No. 18-422

In the Supreme Court of the United States

ROBERT A. RUCHO, *et al.*,

Appellants,

v.

COMMON CAUSE, *et al.*,

Appellees.

On Appeal From the United States District Court for the Middle District of North Carolina

JOINT APPENDIX
Volume I of II

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February 8, 2019

Jurisdictional Statement Filed October 1, 2018
Jurisdiction Postponed January 4, 2019

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UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

No. 16-cv-01026

COMMON CAUSE, *et al.*,

v.

ROBERT A. RUCHO, *et al.*

DOCKET ENTRIES

Date Filed	#	Docket Text
08/05/2016	1	**COMPLAINT THREE JUDGE COURT *FOR DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF* against All Defendants (Filing fee $ 400 receipt number 0418-1962481.), filed by COY E. BREWER, JR, ALICE L. BORDSEN, NORTH CAROLINA DEMOCRATIC PARTY, COMMON CAUSE, ROBERT WARREN WOLF, RUSSELL G. WALKER, JR, RICHARD TAFT, LARRY D. HALL, MELZER A. MORGAN, JR, JOHN MORRISON McNEILL, JONES P. BYRD, JOHN W. GRESHAM, WILLIAM H. FREEMAN, DOUGLAS BERGER, CYNTHIA S. BOYLAN,**

Date Filed	#	Docket Text
		CHERYL LEE TAFT. (Attachments: # 1 Exhibit A - 2016 Contingent Congressional Plan Committee Adopted Criteria, # 2 Exhibit B - 2016 Congressional Redistricting Plan, # 3 Civil Cover Sheet)(SPEAS, EDWIN) (Entered: 08/05/2016)
		* * *
08/05/2016	4	CORPORATE DISCLOSURE STATEMENT filed pursuant to FRCP 7.1(a) by Plaintiff COMMON CAUSE (SPEAS, EDWIN) (Entered: 08/05/2016)
		* * *
08/05/2016		Case ASSIGNED to CHIEF JUDGE WILLIAM L. OSTEEN, JR and MAGISTRATE JUDGE JOI ELIZABETH PEAKE. Set flag for Magistrate Judge Joi Elizabeth Peake. (Coyne, Michelle) (Entered: 08/05/2016)
08/08/2016	8	Summons Issued as to All Defendants. (Attachments: # 1 Summons to David R. Lewis, # 2 Summons to Philip E. Berger, # 3 Summons to Timothy K. Moore, # 4 Summons to A. Grant Whitney, Jr., # 5 Summons to Patrick L.

Date Filed	#	Docket Text
		McCrory, # 6 Summons to The North Carolina State Board of Elections, # 7 Summons to the State of North Carolina) (Garland, Leah) (Entered: 08/08/2016)
08/08/2016	9	Notice of Right to Consent. Counsel shall serve the attached form on all parties. (Garland, Leah) (Entered: 08/08/2016)
08/10/2016	10	WAIVER OF SERVICE of SUMMONS by COY E. BREWER, JR, ALICE L. BORDSEN, NORTH CAROLINA DEMOCRATIC PARTY, COMMON CAUSE, ROBERT WARREN WOLF, RUSSELL G. WALKER, JR, RICHARD TAFT, LARRY D. HALL, MELZER A. MORGAN, JR, JOHN MORRISON McNEILL, JONES P. BYRD, JOHN W. GRESHAM, WILLIAM H. FREEMAN, DOUGLAS BERGER, CYNTHIA S. BOYLAN, CHERYL LEE TAFT. PHILIP E. BERGER waiver sent on 8/9/2016, answer due 10/11/2016; DAVID R. LEWIS waiver sent on 8/9/2016, answer

Date Filed	#	Docket Text
		due 10/11/2016; TIMOTHY K. MOORE waiver sent on 8/9/2016, answer due 10/11/2016; ROBERT A. RUCHO waiver sent on 8/9/2016, answer due 10/11/2016; STATE OF NORTH CAROLINA waiver sent on 8/9/2016, answer due 10/11/2016; THE NORTH CAROLINA STATE BOARD OF ELECTIONS waiver sent on 8/9/2016, answer due 10/11/2016; A. GRANT WHITNEY, JR waiver sent on 8/9/2016, answer due 10/11/2016. (SPEAS, EDWIN) (Entered: 08/10/2016)
08/15/2016	11	WAIVER OF SERVICE of SUMMONS by COY E. BREWER, JR, ALICE L. BORDSEN, NORTH CAROLINA DEMOCRATIC PARTY, COMMON CAUSE, ROBERT WARREN WOLF, RUSSELL G. WALKER, JR, RICHARD TAFT, LARRY D. HALL, MELZER A. MORGAN, JR, JOHN MORRISON McNEILL, JONES P. BYRD, JOHN W. GRESHAM, WILLIAM H. FREEMAN,

Date Filed	#	Docket Text
		DOUGLAS BERGER, CYNTHIA S. BOYLAN, CHERYL LEE TAFT. PATRICK L. McCRORY waiver sent on 8/11/2016, answer due 10/11/2016. (SPEAS, EDWIN) (Entered: 08/15/2016)
09/07/2016	12	Consent AMENDED COMPLAINT - *FIRST AMENDED COMPLAINT FOR DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF - THREE JUDGE PANEL* against defendant PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, STATE OF NORTH CAROLINA, THE NORTH CAROLINA STATE BOARD OF ELECTIONS, A. GRANT WHITNEY, JR, filed by COY E. BREWER, JR, ALICE L. BORDSEN, NORTH CAROLINA DEMOCRATIC PARTY, COMMON CAUSE, ROBERT WARREN WOLF, RUSSELL G. WALKER, JR, RICHARD TAFT, LARRY D. HALL, MELZER A. MORGAN, JR, JOHN MORRISON McNEILL, JONES P. BYRD, JOHN W. GRESHAM,

Date Filed	#	Docket Text
		WILLIAM H. FREEMAN, DOUGLAS BERGER, CYNTHIA S. BOYLAN, CHERYL LEE TAFT, MORTON LURIE. (Attachments: # 1 Exhibit A - 2016 Contingent Congressional Plan Committee Adopted Criteria, # 2 Exhibit B - 2016 Congressional Redistricting Plan)(SPEAS, EDWIN) (Entered: 09/07/2016)
		* * *
09/15/2016	22	MOTION for Extension of Time to File Answer re 12 Amended Complaint,,, by PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, STATE OF NORTH CAROLINA, THE NORTH CAROLINA STATE BOARD OF ELECTIONS, A. GRANT WHITNEY, JR. (Attachments: # 1 Text of Proposed Order)(PETERS, ALEXANDER) (Entered: 09/15/2016)
09/15/2016		ORDER granting 22 Motion for Extension of Time to Answer for PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, STATE

Date Filed	#	Docket Text
		OF NORTH CAROLINA, THE NORTH CAROLINA STATE BOARD OF ELECTIONS, and A. GRANT WHITNEY, JR. Answer due by 10/31/2016. Signed by John Brubaker, Clerk of Court, on 09/15/2016. (Brubaker, John) (Entered: 09/15/2016)
		* * *
10/18/2016	26	RESPONSE in Opposition re (17 in 1:16-cv-01164-WO-JEP) MOTION for Extension of Time to File Answer re (1) Complaint,, filed by WILLIAM COLLINS, ELLIOTT FELDMAN, CAROL FAULKNER FOX, LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA, ANNETTE LOVE, MARIA PALMER, GUNTHER PECK, ERSLA PHELPS, JOHN QUINN, III, AARON SARVER, JANIE SMITH SUMPTER, ELIZABETH TORRES EVANS, WILLIS WILLIAMS. (Attachments: # 1 Exhibit Email Correspondence, # 2 Exhibit Harris v McCrory Order) Associated Cases: 1:16-cv-01164-WO-JEP, 1:16-cv-01026-

Date Filed	#	Docket Text
		WO-JEP(EARLS, ANITA) (Entered: 10/18/2016)
10/25/2016	27	**ORDER designating the Honorable James A. Wynn, United States Circuit Judge for the Fourth Circuit, the Honorable William L. Osteen, Jr., Chief United States District Judge for the Middle District of North Carolina, and the Honorable W. Earl Britt, Senior United States District Judge the Eastern District of North Carolina, to serve in the hearing and determination of this matter, constituting a district court of three judges as provided by law. Signed on 10/25/2016 by ROGER L. GREGORY, Chief Judge, U.S. Court of Appeals for the Fourth Circuit. (Garland, Leah) (Entered: 10/25/2016)**
10/31/2016	28	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM by PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, PATRICK L. McCRORY, ROBERT A. RUCHO, STATE OF NORTH CAROLINA, THE NORTH

Date Filed	#	Docket Text
		CAROLINA STATE BOARD OF ELECTIONS, A. GRANT WHITNEY, JR. Responses due by 11/25/2016 (FARR, THOMAS) (Entered: 10/31/2016)
10/31/2016	29	MEMORANDUM filed by Defendants PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, PATRICK L. McCRORY, ROBERT A. RUCHO, STATE OF NORTH CAROLINA, THE NORTH CAROLINA STATE BOARD OF ELECTIONS, A. GRANT WHITNEY, JR re 28 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, PATRICK L. McCRORY, ROBERT A. RUCHO, STATE OF NORTH CAROLINA, THE NORTH CAROLINA STATE BOARD OF ELECTIONS, A. GRANT WHITNEY, JR. (FARR, THOMAS) (Entered: 10/31/2016)
11/10/2016	30	Rule 26(f) Report (Individual). by DOUGLAS BERGER, ALICE L. BORDSEN,

Date Filed	#	Docket Text
		CYNTHIA S. BOYLAN, COY E. BREWER, JR, JONES P. BYRD, COMMON CAUSE, WILLIAM H. FREEMAN, JOHN W. GRESHAM, LARRY D. HALL, MORTON LURIE, MELZER A. MORGAN, JR, JOHN MORRISON McNEILL, NORTH CAROLINA DEMOCRATIC PARTY, CHERYL LEE TAFT, RICHARD TAFT, RUSSELL g. WALKER, JR. ROBERT WARREN WOLF. Responses due by 12/5/2016 (SPEAS, EDWIN) (Entered: 11/10/2016)
11/10/2016	31	MEMORANDUM filed by Plaintiffs DOUGLAS BERGER, ALICE L. BORDSEN, CYNTHIA S. BOYLAN, COY E. BREWER, JR, JONES P. BYRD, COMMON CAUSE, WILLIAM H. FREEMAN, JOHN W. GRESHAM, LARRY D. HALL, MORTON LURIE, MELZER A. MORGAN, JR, JOHN MORRISON McNEILL, NORTH CAROLINA DEMOCRATIC PARTY, CHERYL LEE TAFT, RICHARD TAFT, RUSSELL G. WALKER, JR, ROBERT

Date Filed	#	Docket Text
		WARREN WOLF re 30 Rule 26(f) Report (Individual). - *Memorandum in Support of Plaintiffs' Rule 26(f) Report* filed by DOUGLAS BERGER, ALICE L. BORDSEN, CYNTHIA S. BOYLAN, COY E. BREWER, JR, JONES P. BYRD, COMMON CAUSE, WILLIAM H. FREEMAN, JOHN W. GRESHAM, LARRY D. HALL, MORTON LURIE, MELZER A. MORGAN, JR, JOHN MORRISON McNEILL, NORTH CAROLINA DEMOCRATIC PARTY, CHERYL LEE TAFT, RICHARD TAFT, RUSSELL G. WALKER, JR, ROBERT WARREN WOLF. (SPEAS, EDWIN) (Entered: 11/10/2016)
11/14/2016	32	Rule 26(f) Report (Individual). Responses due by 12/8/2016 by PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, STATE OF NORTH CAROLINA, THE NORTH CAROLINA STATE BOARD OF ELECTIONS, A. GRANT WHITNEY, JR.(FARR, THOMAS) (Entered: 11/14/2016)

Date Filed	#	Docket Text
11/23/2016	33	RESPONSE in Opposition re 28 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by DOUGLAS BERGER, ALICE L. BORDSEN, CYNTHIA S. BOYLAN, COY E. BREWER, JR, JONES P. BYRD, COMMON CAUSE, WILLIAM H. FREEMAN, JOHN W. GRESHAM, LARRY D. HALL, MORTON LURIE, MELZER A. MORGAN, JR, JOHN MORRISON McNEILL, NORTH CAROLINA DEMOCRATIC PARTY, CHERYL LEE TAFT, RICHARD TAFT, RUSSELL G. WALKER, JR, ROBERT WARREN WOLF. Replies due by 12/12/2016. (Attachments: # 1 Appendix A - Shapiro v. McManus, No. 1:13-CV-03233-JKB, 2016 WL 4445320 (D. Md. Aug. 24, 2016), # 2 Appendix B - Whitford v. Gill, No. 15- CV-421, 2016 U.S. Dist. LEXIS 160811 (W.D. Wis. Nov. 21, 2016))(SPEAS, EDWIN) (Entered: 11/23/2016)
12/07/2016	34	REPLY, filed by Defendants PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE,

Date Filed	#	Docket Text
		PATRICK L. McCRORY, ROBERT A. RUCHO, STATE OF NORTH CAROLINA, THE NORTH CAROLINA STATE BOARD OF ELECTIONS, A. GRANT WHITNEY, JR, to Response to 28 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, PATRICK L. McCRORY, ROBERT A. RUCHO, STATE OF NORTH CAROLINA, THE NORTH CAROLINA STATE BOARD OF ELECTIONS, A. GRANT WHITNEY, JR. (FARR, THOMAS) (Entered: 12/07/2016)
12/14/2016		Motions Submitted: 28 Motion to Dismiss for Failure to State a Claim, 30 Rule 26(f) Report (Individual), 32 Rule 26(f) Report (Individual), to CHIEF JUDGE WILLIAM L. OSTEEN, JR. (Welch, Kelly) (Entered: 12/14/2016)
12/14/2016	35	MOTION for Pre-Trial Conference by DOUGLAS BERGER, ALICE L. BORDSEN, CYNTHIA S. BOYLAN, COY E. BREWER,

Date Filed	#	Docket Text
		JR, JONES P. BYRD, COMMON CAUSE, WILLIAM H. FREEMAN, JOHN W. GRESHAM, LARRY D. HALL, MORTON LURIE, MELZER A. MORGAN, JR, JOHN MORRISON McNEILL, NORTH CAROLINA DEMOCRATIC PARTY, CHERYL LEE TAFT, RICHARD TAFT, RUSSELL G. WALKER, JR, ROBERT WARREN WOLF. (Attachments: # 1 Text of Proposed Order)(SPEAS, EDWIN) (Entered: 12/14/2016)
12/15/2016		Motion Referred: re: 35 MOTION for Pre-Trial Conference, to CHIEF JUDGE WILLIAM L. OSTEEN, JR. (Welch, Kelly) (Entered: 12/15/2016)
12/19/2016	36	ORDER signed by CHIEF JUDGE WILLIAM L. OSTEEN, JR on 12/19/2016; that Plaintiffs' Motion to Schedule Pre-Trial Conference in case number 1:16CV1026 (Doc. 35) is hereby GRANTED. FURTHER ORDERED that the parties in 1:16CV1164 shall meet and confer as required by

Date Filed	#	Docket Text
		LR 16.1(b) and thereafter file an appropriate Rule 26(f) report(s), on or before January 4, 2017. Upon the filing of the Rule 26(f) reports, the Clerk is directed to promptly set a hearing on an initial pretrial conference as required by LR 16.1(c) for each of these cases. The Clerk may confer with all counsel to determine a date upon which all counsel may be available in anticipation of the filing of the pretrial reports. Nevertheless, the pretrial conference will be set at the direction of the court. Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP(Garland, Leah) (Entered: 12/19/2016)
1/13/2017	37	NOTICE of Hearing: Pretrial Conference set for 2/6/2017 02:00 PM in Greensboro Courtroom #1 before CHIEF JUDGE WILLIAM L. OSTEEN JR. Associated Cases: 1:16-cv-01164-WO-JEP, 1:16-cv-01026-WO-JEP (Welch, Kelly) (Entered: 01/13/2017)
02/01/2017	38	AMENDED Rule 26(f) Report (Individual) by DOUGLAS BERGER, ALICE L.

Date Filed	#	Docket Text
		BORDSEN, CYNTHIA S. BOYLAN, COY E. BREWER, JR, JONES P. BYRD, COMMON CAUSE, WILLIAM H. FREEMAN, JOHN W. GRESHAM, LARRY D. HALL, MORTON LURIE, MELZER A. MORGAN, JR, JOHN MORRISON McNEILL, NORTH CAROLINA DEMOCRATIC PARTY, CHERYL LEE TAFT, RICHARD TAFT, RUSSELL G. WALKER, JR, ROBERT WARREN WOLF.(SPEAS, EDWIN) (Entered: 02/01/2017)
02/02/2017		Motion Submitted: 38 Rule 26(f) Report (Individual), to CHIEF JUDGE WILLIAM L. OSTEEN, JR. (Welch, Kelly) (Entered: 02/02/2017)
02/2/2017	39	Joint MOTION to Consolidate Cases. Case to be consolidated with 1:16-cv- 01164-WO-JEP (*Joint Consent Motion*) by DOUGLAS BERGER, ALICE L. BORDSEN, CYNTHIA S. BOYLAN, COY E. BREWER, JR, JONES P. BYRD, COMMON CAUSE, WILLIAM H. FREEMAN, JOHN W. GRESHAM, LARRY D. HALL,

Date Filed	#	Docket Text
		MORTON LURIE, MELZER A. MORGAN, JR, JOHN MORRISON McNEILL, NORTH CAROLINA DEMOCRATIC PARTY, CHERYL LEE TAFT, RICHARD TAFT, RUSSELL G. WALKER, JR, ROBERT WARREN WOLF. Response to Motion due by 2/23/2017 (Attachments: # 1 Text of Proposed Order)(SPEAS, EDWIN) (Entered: 02/02/2017)
02/02/2017	40	MEMORANDUM filed by Plaintiffs DOUGLAS BERGER, ALICE L. BORDSEN, CYNTHIA S. BOYLAN, COY E. BREWER, JR, JONES P. BYRD, COMMON CAUSE, WILLIAM H. FREEMAN, JOHN W. GRESHAM, LARRY D. HALL, MORTON LURIE, MELZER A. MORGAN, JR, JOHN MORRISON McNEILL, NORTH CAROLINA DEMOCRATIC PARTY, CHERYL LEE TAFT, RICHARD TAFT, RUSSELL G. WALKER, JR, ROBERT WARREN WOLF re 39 Joint MOTION to Consolidate Cases. Case to be consolidated with

Date Filed	#	Docket Text
		1:16-cv-01164- WO-JEP (*Joint Consent Motion*) filed by DOUGLAS BERGER, ALICE L. BORDSEN, CYNTHIA S. BOYLAN, COY E. BREWER, JR, JONES P. BYRD, COMMON CAUSE, WILLIAM H. FREEMAN, JOHN W. GRESHAM, LARRY D. HALL, MORTON LURIE, MELZER A. MORGAN, JR, JOHN MORRISON McNEILL, NORTH CAROLINA DEMOCRATIC PARTY, CHERYL LEE TAFT, RICHARD TAFT, RUSSELL G. WALKER, JR, ROBERT WARREN WOLF. (SPEAS, EDWIN) (Entered: 02/02/2017)
02/06/2017		Motion Submitted: 39 Joint MOTION to Consolidate Case with 1:16cv1164, to CHIEF JUDGE WILLIAM L. OSTEEN, JR. (Welch, Kelly) (Entered: 02/06/2017)
02/06/2017		Minute Entry for proceedings held before CHIEF JUDGE WILLIAM L. OSTEEN, JR., in G-1: Pretrial Conference held on 2/6/2017. Attorneys Edwin Speas, Jr., Emmet Bondurant, Benjamin Thorpe and Caroline

Date Filed	#	Docket Text
		Mackie appeared on behalf of Plaintiffs Common Cause, et al. Attorneys Anita Earls and Gerald Hebert appeared on behalf of Plaintiffs League of Women Voters of North Carolina, et al. Attorneys Thomas Farr and James Bernier appeared on behalf of the Defendants. For reasons stated on the record, the Court orally grants 39 Joint Consent Motion to Consolidate Cases (1:16CV1026 & 1:16CV1164) for purposes of discovery and trial; Parties conferred and agreed upon scheduling order deadlines as to both cases; Parties to submit a proposed Joint Rule 26(f) Report for the Court's consideration; Court tentatively set this matter for trial on June 26, 2017. (Court Reporter Joseph Armstrong.) Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP(Welch, Kelly) (Entered: 02/06/2017)
02/07/2017	41	ORDER signed by CHIEF JUDGE WILLIAM L. OSTEEN, JR on 02/07/2017; that the following actions are

Date Filed	#	Docket Text
		consolidated for purposes of discovery and trial: *League of Women Voters v. Rucho*, No. 1:16-cv-1164, and *Common Cause v. Rucho*, No. 1:16-cv-1026. All notices, requests, responses, motions and other filings related to both actions must be served on all counsel in each action and bear the case caption for each action that has been consolidated pursuant to this order. Associated Cases: 1:16-cv-01026- WO-JEP, 1:16-cv-01164-WO-JEP (Garland, Leah) (Entered: 02/07/2017)
2/14/2017	42	JOINT 26(F) REPORT by Plaintiffs DOUGLAS BERGER, ALICE L. BORDSEN, CYNTHIA S. BOYLAN, COY E. BREWER, JR, JONES P. BYRD, COMMON CAUSE, WILLIAM H. FREEMAN, JOHN W. GRESHAM, LARRY D. HALL, MORTON LURIE, MELZER A. MORGAN, JR, JOHN MORRISON McNEILL, NORTH CAROLINA DEMOCRATIC PARTY, CHERYL LEE TAFT, RICHARD TAFT, RUSSELL G. WALKER, JR, ROBERT

Date Filed	#	Docket Text
		WARREN WOLF, WILLIAM COLLINS, ELLIOTT FELDMAN, CAROL FAULKNER FOX, LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA, ANNETTE LOVE, MARIA PALMER, GUNTHER PECK, ERSLA PHELPS, JOHN QUINN, III, AARON SARVER, JANIE SMITH SUMPTER, ELIZABETH TORRES EVANS, WILLIS WILLIAMS. Associated Cases: 1:16-cv-01164-WO-JEP, 1:16-cv-01026-WO-JEP(EARLS, ANITA) Modified on 2/15/2017 to properly set out correct event. (Garland, Leah) (Entered: 02/14/2017)
02/15/2017	43	NOTICE by DOUGLAS BERGER, ALICE L. BORDSEN, CYNTHIA S. BOYLAN, COY E. BREWER, JR, JONES P. BYRD, COMMON CAUSE, WILLIAM H. FREEMAN, JOHN W. GRESHAM, LARRY D. HALL, MORTON LURIE, MELZER A. MORGAN, JR, JOHN MORRISON McNEILL, NORTH CAROLINA

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		DEMOCRATIC PARTY, CHERYL LEE TAFT, RICHARD TAFT, RUSSELL G. WALKER, JR, ROBERT WARREN WOLF - *Common Cause's Preliminary Outline of Legal Standards (filed per Court's request at the February 6, 2017 status conference)* Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP(SPEAS, EDWIN) (Entered: 02/15/2017)
		* * *
02/21/2017	45	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM *Plaintiff's Amended Complaint* by PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, PATRICK L. McCRORY, ROBERT A. RUCHO, STATE OF NORTH CAROLINA, A. GRANT WHITNEY, JR. Response to Motion due by 3/14/2017 (FARR, THOMAS) (Entered: 02/21/2017)
02/21/2017	46	MEMORANDUM filed by Defendants PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, STATE

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		OF NORTH CAROLINA, THE NORTH CAROLINA STATE BOARD OF ELECTIONS, A. GRANT WHITNEY, JR re 45 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM *Plaintiff's Amended Complaint* filed by PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, STATE OF NORTH CAROLINA, THE NORTH CAROLINA STATE BOARD OF ELECTIONS, A. GRANT WHITNEY, JR. (FARR, THOMAS) (Entered: 02/21/2017)
03/01/2017	47	ORDER signed by CHIEF JUDGE WILLIAM L. OSTEEN, JR on 03/01/2017 approving without modification 42 RULE 26F (JOINT) in case 1:16-cv-01026-WO-JEP and 42 RULE 26F (JOINT) in case 1:16-cv-01164-WO-JEP. Discovery shall be established as Standard. Mediation is not required under LR 16.4 in this case. The parties state that they do not wish to reference the case to a Magistrate Judge or appointment of a master. Trial

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		is expected to take five (5) days and a jury trial has not been demanded. Plaintiff's Amended Pleadings due by 2/10/2017. Defendant's Amended Pleadings due by 2/10/2017. Discovery due by 4/28/2017. Joinder of Parties for Plaintiff due by 2/10/2017. Joinder of Parties for Defendant due by 2/10/2017. Motions due by 5/12/2017. Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WOJEP (Garland, Leah) (Entered: 03/01/2017)
		* * *
03/03/2017	49	ANSWER to Amended Complaint by PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, STATE OF NORTH CAROLINA, THE NORTH CAROLINA STATE BOARD OF ELECTIONS, A. GRANT WHITNEY, JR. Associated Cases: 1:16-cv-01026-WO-JEP, 1:16- cv-01164-WO-JEP(FARR, THOMAS) (Entered: 03/03/2017)
03/03/2017	50	MEMORANDUM OPINION signed by JUDGE JAMES A. WYNN, JR., CHIEF JUDGE

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		WILLIAM L. OSTEEN, JR, and JUDGE W. EARL BRITT on 03/03/2017. Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164- WO-JEP(Garland, Leah) Modified on 5/22/2017 to correct misspelling. (Garland, Leah) (Entered: 03/03/2017)
03/03/2017	51	ORDER signed JUDGE JAMES A. WYNN, JR, CHIEF JUDGE WILLIAM L. OSTEEN, JR, and JUDGE W. EARL BRITT on 03/03/2017, that the Defendants' Motion to Dismiss in Case No. 1:16-CV-1026 is DENIED; and it is further ORDERED that the Defendants' Motion to Dismiss First Amended Complaint Filed by League Of Women Voters Of North Carolina ("LWVNC") Plaintiffs in Case No. 1:16-CV-1164 is DENIED; and it is further ORDERED that the Defendants' Motion to Dismiss in Case No. 1:16-CV-1164 (Doc. 30) is DENIED, as moot. Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv- 01164-WO-JEP (Garland, Leah) (Entered: 03/03/2017)
		* * *

Date Filed	#	Docket Text
05/23/2017	54	NOTICE of Trial Calendar: Bench Trial set for 6/26/2017 09:30 AM in Greensboro Courtroom #1 before CHIEF JUDGE WILLIAM L. OSTEEN JR., JUDGE JAMES A. WYNN, JR., SENIOR JUDGE W. EARL BRITT. Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP (Welch, Kelly) (Entered: 05/23/2017)
05/30/2017	55	FINAL PRETRIAL DISCLOSURES by WILLIAM COLLINS, ELLIOTT FELDMAN, CAROL FAULKNER FOX, LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA, ANNETTE LOVE, MARIA PALMER, GUNTHER PECK, ERSLA PHELPS, JOHN QUINN, III, AARON SARVER, JANIE SMITH SUMPTER, ELIZABETH TORRES EVANS, WILLIS WILLIAMS. (Attachments: # 1 Exhibit Attachment 1 Deposition Designations, # 2 Exhibit COLLINS, WILLIAM designations, # 3 Exhibit EVANS, ELIZABETH designations, # 4 Exhibit

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		FELDMAN, ELLIOTT designations, # 5 Exhibit FOX, FAULKNER designations, # 6 Exhibit LOVE, ANNETTE designations, # 7 Exhibit PALMER, MARIA designations, # 8 Exhibit PECK, GUNTHER designations, # 9 Exhibit PHELPS, ERSLA M designations, # 10 Exhibit QUINN, III, JOHN J designations, # 11 Exhibit SARVER, AARON J designations, # 12 Exhibit SUMPTER, JANIE S designations, # 13 Exhibit TROTTER KLENZ, MARY designations, # 14 Exhibit WILLIAMS, WILLIS designations, # 15 Exhibit LEWIS, REPRESENTATIVE DAVID I designations, # 16 Exhibit LEWIS, REPRESENTATIVE DAVID II designations, # 17 Exhibit HOFELLER, THOMAS B I designations, # 18 Exhibit HOFELLER, THOMAS B II designations, # 19 Exhibit RUCHO, SENATOR ROBERT A designations, # 20 Exhibit GIMPEL, JAMES G designations, # 21 Exhibit

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		HOOD III, M.V. designations, # 22 Exhibit TRENDE, SEAN designations) Associated Cases: 1:16-cv-01164-WO-JEP, 1:16-cv-01026-WO-JEP (GREENWOOD, RUTH) (Entered: 05/30/2017)
05/30/2017	56	FINAL PRETRIAL DISCLOSURES by WILLIAM COLLINS, ELLIOTT FELDMAN, CAROL FAULKNER FOX, LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA, ANNETTE LOVE, MARIA PALMER, GUNTHER PECK, ERSLA PHELPS, JOHN QUINN, III, AARON SARVER, JANIE SMITH SUMPTER, ELIZABETH TORRES EVANS, WILLIS WILLIAMS. Associated Cases: 1:16-cv-01164-WO-JEP, 1:16-cv- 01026-WO-JEP(GREENWOOD, RUTH) (Entered: 05/30/2017)
05/30/2017	57	(See Amended Document 67) PRETRIAL DISCLOSURES by DOUGLAS BERGER, ALICE L. BORDSEN, CYNTHIA S. BOYLAN, COY E. BREWER, JR, JONES P. BYRD, COMMON CAUSE, WILLIAM

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		H. FREEMAN, JOHN W. GRESHAM, LARRY D. HALL, MORTON LURIE, MELZER A. MORGAN, JR, JOHN MORRISON McNEILL, NORTH CAROLINA DEMOCRATIC PARTY, CHERYL LEE TAFT, RICHARD TAFT, RUSSELL G. WALKER, JR, ROBERT WARREN WOLF. (Attachments: # 1 Exhibit A - Deposition Designations, # 2 Exhibit B - Joint Plaintiffs' Exhibit List, # 3 Exhibit C - Common Cause Plaintiffs' Exhibit List) Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP(SPEAS, EDWIN) Modified on 6/14/2017 (Welch, Kelly). (Entered: 05/30/2017)
05/30/2017	58	*Exhibit List* by WILLIAM COLLINS, ELLIOTT FELDMAN, CAROL FAULKNER FOX, LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA, ANNETTE LOVE, MARIA PALMER, GUNTHER PECK, ERSLA PHELPS, JOHN QUINN, III, AARON SARVER,

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		JANIE SMITH SUMPTER, ELIZABETH TORRES EVANS, WILLIS WILLIAMS. (Attachments: # 1 Exhibit Attachment 1 Joint Plaintiffs' Exhibit List, # 2 Exhibit Attachment 2 LWVNC Plaintiffs' Exhibit List) Associated Cases: 1:16-cv-01164-WO-JEP, 1:16-cv-01026-WO-JEP(GREENWOOD, RUTH) (Entered: 05/30/2017)
05/30/2017	59	FINAL PRETRIAL DISCLOSURES by PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, STATE OF NORTH CAROLINA, THE NORTH CAROLINA STATE BOARD OF ELECTIONS, A. GRANT WHITNEY, JR, PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, THE STATE OF NORTH CAROLINA, A. GRANT WHITNEY, JR. (Attachments: # 1 Exhibit 1 - Designations of Deposition Testimony, # 2 Exhibit 2 - Exhibit List (Expect to Offer), # 3 Exhibit 3 - Exhibit List (May Offer)) Associated

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		Cases: 1:16-cv- 01026-WO-JEP, 1:16-cv-01164-WO-JEP (MCKNIGHT, MICHAEL) (Entered: 05/30/2017)
		* * *
06/05/2017	61	Proposed Findings of Fact and Conclusions of Law by PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, PATRICK L. McCRORY, ROBERT A. RUCHO, STATE OF NORTH CAROLINA, THE NORTH CAROLINA STATE BOARD OF ELECTIONS, A. GRANT WHITNEY, JR, PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, THE STATE OF NORTH CAROLINA, A. GRANT WHITNEY, JR. Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP (STRACH, PHILLIP) (Entered: 06/05/2017)
		* * *
06/05/2017	63	Proposed Findings of Fact and Conclusions of Law by WILLIAM COLLINS, ELLIOTT FELDMAN, CAROL FAULKNER FOX, LEAGUE

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		OF WOMEN VOTERS OF NORTH CAROLINA, ANNETTE LOVE, MARIA PALMER, GUNTHER PECK, ERSLA PHELPS, JOHN QUINN, III, AARON SARVER, JANIE SMITH SUMPTER, ELIZABETH TORRES EVANS, WILLIS WILLIAMS. Associated Cases: 1:16-cv-01164-WO-JEP, 1:16-cv- 01026-WO-JEP(GREENWOOD, RUTH) (Entered: 06/05/2017)
06/05/2017	64	TRIAL BRIEF by Plaintiffs WILLIAM COLLINS, ELLIOTT FELDMAN, CAROL FAULKNER FOX, LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA, ANNETTE LOVE, MARIA PALMER, GUNTHER PECK, ERSLA PHELPS, JOHN QUINN, III, AARON SARVER, JANIE SMITH SUMPTER, ELIZABETH TORRES EVANS, WILLIS WILLIAMS. Associated Cases: 1:16-cv-01164-WO-JEP, 1:16-cv-01026-WO-JEP (GREENWOOD, RUTH) (Entered: 06/05/2017)
06/05/2017	65	Proposed Findings of Fact and Conclusions of Law by

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		DOUGLAS BERGER, ALICE L. BORDSEN, CYNTHIA S. BOYLAN, COY E. BREWER, JR, JONES P. BYRD, COMMON CAUSE, WILLIAM H. FREEMAN, JOHN W. GRESHAM, LARRY D. HALL, MORTON LURIE, MELZER A. MORGAN, JR, JOHN MORRISON McNEILL, NORTH CAROLINA DEMOCRATIC PARTY, CHERYL LEE TAFT, RICHARD TAFT, RUSSELL G. WALKER, JR, ROBERT WARREN WOLF. Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP(SPEAS, EDWIN) (Entered: 06/05/2017)
06/08/2017	66	NOTICE OF HEARING: Final Pretrial Conference set for 6/19/2017 09:30 AM in Greensboro Courtroom #1 before CHIEF JUDGE WILLIAM L. OSTEEN JR. Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP(Welch, Kelly) (Entered: 06/08/2017)
06/09/2017		TEXT ORDER - The parties have submitted a number of questions about trial issues to

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		the Clerk. The majority of those questions and any other pre-trial issues will be addressed at a pre-trial conference scheduled for June 19, 2017. However, in light of the upcoming trial date, two issues will be addressed in this order. First, the parties asked whether there is a pre-trial deadline for filing evidentiary motions and responses. Any pre-trial motions to exclude expert testimony shall be filed on or before Monday, June 19, 2017, at 5:00 p.m. Responses shall be filed on or before 12:00 noon on Thursday, June 22, 2017. A motion to exclude expert testimony shall include as an exhibit the expert report of the challenged witness along with any rebuttal expert reports. The filing of any other motion in limine or evidentiary motion will be addressed during the pre-trial conference. Second, the League Plaintiffs filed their transcript designations along with their pre-trial disclosures. The Common Cause Plaintiffs and Defendants should file their transcript designations at the

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		earliest possible time. [Issued by CHIEF JUDGE WILLIAM L. OSTEEN, JR., on 06/09/2017.] Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP. (Cable, Frances) (Entered: 06/09/2017)
06/13/2017	67	AMENDED DOCUMENT (Amended Rule 26(a)(3)(A) Pretrial Disclosures) by DOUGLAS BERGER, ALICE L. BORDSEN, CYNTHIA S. BOYLAN, COY E. BREWER, JR, JONES P. BYRD, COMMON CAUSE, WILLIAM H. FREEMAN, JOHN W. GRESHAM, LARRY D. HALL, MORTON LURIE, MELZER A. MORGAN, JR, JOHN MORRISON McNEILL, NORTH CAROLINA DEMOCRATIC PARTY, CHERYL LEE TAFT, RICHARD TAFT, RUSSELL G. WALKER, JR, ROBERT WARREN WOLF. Amendment to (56 in 1:16-cv-01164-WO-JEP) Pretrial Disclosures,, . Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP(SPEAS, EDWIN) (Entered: 06/13/2017)

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06/13/2017	68	DESIGNATION OF DEPOSITION TRANSCRIPT by DOUGLAS BERGER, ALICE L. BORDSEN, CYNTHIA S. BOYLAN, COY E. BREWER, JR, JONES P. BYRD, COMMON CAUSE, WILLIAM H. FREEMAN, JOHN W. GRESHAM, LARRY D. HALL, MORTON LURIE, MELZER A. MORGAN, JR, JOHN MORRISON McNEILL, NORTH CAROLINA DEMOCRATIC PARTY, CHERYL LEE TAFT, RICHARD TAFT, RUSSELL G. WALKER, JR, ROBERT WARREN WOLF. Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP(SPEAS, EDWIN) (Entered: 06/13/2017)
06/13/2017	69	OBJECTION - Other re (59 in 1:16-cv-01026-WO-JEP, 58 in 1:16-cv-01164- WO-JEP) Final Pretrial Disclosures,, by Plaintiffs WILLIAM COLLINS, ELLIOTT FELDMAN, CAROL FAULKNER FOX, LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA, ANNETTE LOVE, MARIA PALMER, GUNTHER PECK,

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		ERSLA PHELPS, JOHN QUINN, III, AARON SARVER, JANIE SMITH SUMPTER, ELIZABETH TORRES EVANS, WILLIS WILLIAMS. (Attachments: # 1 Exhibit Objections to Defendants' Exhibits, # 2 Exhibit Counter-Designations to Defendants Deposition Designations, # 3 Exhibit Collins Counter-Designations, # 4 Exhibit Feldman Counter-Designations, # 5 Exhibit Love Counter-Designations, # 6 Exhibit Palmer Counter-Designations, # 7 Exhibit Sumpter Counter-Designations, # 8 Exhibit Klenz Counter-Designations) Associated Cases: 1:16-cv-01164-WOJEP, 1:16-cv-01026-WO-JEP(EARLS, ANITA) (Entered: 06/13/2017)
06/13/2017	70	OBJECTION - Other re (58 in 1:16-cv-01164-WO-JEP, 59 in 1:16-cv-01026- WO-JEP) Final Pretrial Disclosures,, by Plaintiffs DOUGLAS BERGER, ALICE L. BORDSEN, CYNTHIA S. BOYLAN, COY E. BREWER, JR, JONES P. BYRD, COMMON CAUSE,

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		WILLIAM H. FREEMAN, JOHN W. GRESHAM, LARRY D. HALL, MORTON LURIE, MELZER A. MORGAN, JR, JOHN MORRISON McNEILL, NORTH CAROLINA DEMOCRATIC PARTY, CHERYL LEE TAFT, RICHARD TAFT, RUSSELL G. WALKER, JR, ROBERT WARREN WOLF. Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP(SPEAS, EDWIN) (Entered: 06/13/2017)
06/13/2017	71	OBJECTION - Other re (57 in 1:16-cv-01026-WO-JEP, 56 in 1:16-cv-01164- WO-JEP) Pretrial Disclosures,, (58 in 1:16-cv-01026-WO-JEP, 57 in 1:16-cv- 01164-WO-JEP) Exhibit List, (55 in 1:16-cv-01164-WO-JEP, 56 in 1:16-cv-01026-WO-JEP) Final Pretrial Disclosures, (54 in 1:16-cv-01164-WO-JEP, 55 in 1:16-cv-01026-WO-JEP) Final Pretrial Disclosures,,,,, by Defendants PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, STATE OF NORTH CAROLINA, THE NORTH CAROLINA STATE

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		BOARD OF ELECTIONS, A. GRANT WHITNEY, JR, PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, THE NORTH CAROLINA STATE BOARD OF ELECTIONS, THE STATE OF NORTH CAROLINA, A. GRANT WHITNEY, JR. (Attachments: # 1 Exhibit 1 - Defendants' Objections to Plaintiffs' Joint Exhibits, # 2 Exhibit 2 - Defendants' Objections to Plaintiff LWV's Proposed Exhibits, # 3 Exhibit 3 - Defendants' Objections to Plaintiff Common Cause's Proposed Exhibits, # 4 Exhibit 4 - Defendants' Objections and Counter- Designations of Plaintiffs Designations of Deposition Testimony) Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP(MCKNIGHT, MICHAEL) (Entered: 06/13/2017)
06/19/2017	72	MOTION in Limine *to exclude testimony of Sean P. Trende at trial* by WILLIAM COLLINS, ELLIOTT FELDMAN, CAROL

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		FAULKNER FOX, ANNETTE LOVE, MARIA PALMER, GUNTHER PECK, ERSLA PHELPS, JOHN QUINN, III, AARON SARVER, JANIE SMITH SUMPTER, ELIZABETH TORRES EVANS, WILLIS WILLIAMS. Response to Motion due by 6/22/2017 Associated Cases: 1:16-cv-01164-WO-JEP, 1:16-cv-01026-WO-JEP(GREENWOOD, RUTH) (Entered: 06/19/2017)
06/19/2017	73	BRIEF re (71 in 1:16-cv-01164-WO-JEP) MOTION in Limine *to exclude testimony of Sean P. Trende at trial* . (Attachments: # 1 Exhibit 1 - Expert Report of Sean P. Trende, dated April 3, 2017, # 2 Exhibit 2 - Deposition of Sean P. Trende, dated May 5, 2017, # 3 Exhibit 3 - Curriculum Vitae of Sean P. Trende, # 4 Exhibit 4 Expert Report of Dr. Simon Jackman, dated April 18, 2017, # 5 Exhibit 5 - Bernard Grofman & Gary King, The Future of Partisan Symmetry as a Judicial Test for, # 6 Exhibit 6 Rebuttal Report of Dr. Simon Jackman, dated April 17, 2017, # 7 Exhibit 7 Deposition of

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		James G. Gimpel, dated April 27, 2017, # 8 Exhibit 8 Curriculum Vitae of Dr. Simon Jackman, # 9 Exhibit 9 Curriculum Vitae of Dr. Jowei Chen, # 10 Exhibit 10 Curriculum Vitae of Dr. Jonathan Rodden, # 11 Exhibit 11 American Political Science Association, APSR Submission Guidelines, updated August 26, 2016, # 12 Exhibit 12 Trial Transcript, Whitford v. Nichol, 218 F. Supp. 3d 837, 854 (W.D. Wis. 2016) (No. 1:15-cv-421-bbc), # 13 Exhibit 13 Expert Report of Simon Jackman, dated July 7, 2015, Whitford v. Nichol, 218 F. Supp. 3d 837 (W.D. Wis. 2016) (No. 1:15-cv-421-bbc), # 14 Exhibit 14 Almanac of American Politics 2014, at 1233 (Michael Barone et al. eds., 2014), # 15 Exhibit 15 Michael D. McDonald & Robin E. Best, Unfair Partisan Gerrymanders in Politics and Law: A Diagnostic Applied to Six Cases, 14 Election L.J. 312 (2015), # 16 Exhibit 16 - Samuel S. H. Wang, Three Tests for Practical Evaluation of Partisan Gerrymandering, 68 Stan. L.

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		Rev. 1263 (2016)) Associated Cases: 1:16-cv-01164-WO-JEP, 1:16-cv-01026-WO-JEP (GREENWOOD, RUTH) (Entered: 06/19/2017)
06/19/2017		Minute Entry for proceedings held before CHIEF JUDGE WILLIAM L. OSTEEN, JR., in G-1: Pretrial Conference held on 6/19/2017. Attorneys Edwin Speas, Jr., Emmet Bondurant, Benjamin Thorpe, Steven Epstein, Anita Earls, Anabelle Harless and Ruth Greenwood appeared on behalf of Plaintiffs. Attorneys Phillip Strach, Michael McKnight and James Bernier, Jr., appeared on behalf of Defendant. On the Court's own motion, the trial in this matter is continued to a date to be determined. Deadline for filing any Motions in Limine remains as today by 5:00 p.m. Responses due within fourteen days. Stipulations, Revised Joint Exhibit list and any motions with respect to expert witness testimony are to be filed one (1) week prior to the new trial date. Parties agree that the estimated trial time remains as

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		five (5) days. (Court Reporter Jane Calhoun.) Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv- 01164-WO-JEP(Welch, Kelly) (Entered: 06/19/2017)
06/26/2017	74	MOTION to Stay by PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO. Response to Motion due by 7/17/2017 Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WOJEP(STRACH, PHILLIP) (Entered: 06/26/2017)
06/26/2017	75	MEMORANDUM filed by Defendants PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO re (74 in 1:16-cv-01026-WO-JEP, 73 in 1:16-cv-01164-WO-JEP) MOTION to Stay filed by PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, PHILIP E. BERGER, DAVID R. LEWIS,

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		TIMOTHY K. MOORE, ROBERT A. RUCHO. Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP (STRACH, PHILLIP) (Entered: 06/26/2017)
07/03/2017	76	RESPONSE in Opposition re (71 in 1:16-cv-01164-WO-JEP, 72 in 1:16-cv- 01026-WO-JEP) MOTION in Limine *to exclude testimony of Sean P. Trende* at trial filed by WILLIS WILLIAMS, ELIZABETH TORRES EVANS, GUNTHER PECK, WILLIAM COLLINS, AARON SARVER, JOHN QUINN, III, ANNETTE LOVE, ELLIOTT FELDMAN, CAROL FAULKNER FOX, MARIA PALMER, ERSLA PHELPS, JANIE SMITH SUMPTER filed by PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, STATE OF NORTH CAROLINA, THE NORTH CAROLINA STATE BOARD OF ELECTIONS, A. GRANT WHITNEY, JR, PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, THE

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		STATE OF NORTH CAROLINA, A. GRANT WHITNEY, JR. Replies due by 7/17/2017 (Attachments: # 1 Exhibit 1 - Chart of 1992-2016 Congressional Plans - Divided Counties and VTDs) Associated Cases: 1:16-cv-01164-WO-JEP, 1:16-cv-01026-WO-JEP (STRACH, PHILLIP) (Entered: 07/03/2017)
07/17/2017	77	REPLY, filed by Plaintiffs WILLIAM COLLINS, ELLIOTT FELDMAN, CAROL FAULKNER FOX, LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA, ANNETTE LOVE, MARIA PALMER, GUNTHER PECK, ERSLA PHELPS, JOHN QUINN, III, AARON SARVER, JANIE SMITH SUMPTER, ELIZABETH TORRES EVANS, WILLIS WILLIAMS, to Response to (71 in 1:16-cv-01164-WO-JEP, 72 in 1:16-cv-01026-WO-JEP) MOTION in Limine *to exclude testimony of Sean P. Trende at trial* filed by WILLIAM COLLINS, ELLIOTT FELDMAN, CAROL FAULKNER FOX, LEAGUE

Date Filed	#	Docket Text
		OF WOMEN VOTERS OF NORTH CAROLINA, ANNETTE LOVE, MARIA PALMER, GUNTHER PECK, ERSLA PHELPS, JOHN QUINN, III, AARON SARVER, JANIE SMITH SUMPTER, ELIZABETH TORRES EVANS, WILLIS WILLIAMS. Associated Cases: 1:16-cv-01164- WO-JEP, 1:16-cv-01026-WO-JEP(GREENWOOD, RUTH) (Entered: 07/17/2017)
07/17/2018	78	RESPONSE in Opposition re (74 in 1:16-cv-01026-WO-JEP) MOTION to Stay filed by TIMOTHY K. MOORE, PHILIP E. BERGER, ROBERT A. RUCHO, DAVID R. LEWIS filed by WILLIAM COLLINS, ELLIOTT FELDMAN, CAROL FAULKNER FOX, LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA, ANNETTE LOVE, MARIA PALMER, GUNTHER PECK, ERSLA PHELPS, JOHN QUINN, III, AARON SARVER, JANIE SMITH SUMPTER, ELIZABETH TORRES EVANS, WILLIS WILLIAMS. Replies due by 7/31/2017 Associated

Date Filed	#	Docket Text
		Cases: 1:16-cv- 01164-WO-JEP, 1:16-cv-01026-WO-JEP(HARLESS, ANNABELLE) (Entered: 07/17/2017)
07/17/2018	79	RESPONSE in Opposition re (74 in 1:16-cv-01026-WO-JEP, 73 in 1:16-cv- 01164-WO-JEP) MOTION to Stay filed by TIMOTHY K. MOORE, PHILIP E. BERGER, ROBERT A. RUCHO, DAVID R. LEWIS filed by DOUGLAS BERGER, ALICE L. BORDSEN, CYNTHIA S. BOYLAN, COY E. BREWER, JR, JONES P. BYRD, COMMON CAUSE, WILLIAM H. FREEMAN, JOHN W. GRESHAM, LARRY D. HALL, MORTON LURIE, MELZER A. MORGAN, JR, JOHN MORRISON McNEILL, NORTH CAROLINA DEMOCRATIC PARTY, CHERYL LEE TAFT, RICHARD TAFT, RUSSELL G. WALKER, JR, ROBERT WARREN WOLF. Replies due by 7/31/2017 Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164- WO-JEP(SPEAS, EDWIN) (Entered: 07/17/2017)

Date Filed	#	Docket Text
07/31/2017	80	REPLY, filed by Defendants PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, to Response to (73 in 1:16-cv-01164-WO-JEP) MOTION to Stay filed by PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO. Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP(STRACH, PHILLIP) (Entered: 07/31/2017)
		* * *
08/11/2017		Motions Submitted: (#74 in 1:16cv1026, #73 in 1:16cv1164) MOTION to Stay, to CHIEF JUDGE WILLIAM L. OSTEEN, JR. (Welch, Kelly) (Entered: 08/11/2017)
08/23/2017	83	NOTICE OF HEARING: Hearing on Legislative Defendants' Motion to Stay set for 8/29/2017 11:30 AM in Raleigh, Courtroom #2 before

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		SENIOR JUDGE W. EARL BRITT, CIRCUIT JUDGE JAMES A. WYNN, JR. & CHIEF JUDGE WILLIAM L. OSTEEN, JR. Associated Cases: 1:16-cv- 01026-WO-JEP, 1:16-cv-01164-WO-JEP(Welch, Kelly) (Entered: 08/23/2017)
08/28/2017	84	Suggestion of Subsequently Decided Authority by Defendants PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO. (Attachments: # 1 Exhibit Benisek et al v. Lamone et al. (D. Md. Aug. 24, 2017)) Associated Cases: 1:16-cv-01026-WO-JEP, 1:16- cv-01164-WO-JEP(STRACH, PHILLIP) (Entered: 08/28/2017)
08/29/2017		Minute Entry for proceedings held before SENIOR JUDGE W. EARL BRITT, CIRCUIT JUDGE JAMES A. WYNN, JR., & (CHIEF JUDGE WILLIAM L. OSTEEN, JR. - participated via telephone conference call) in Raleigh, Courtroom 2: Motion

Date Filed	#	Docket Text
		Hearing held on 8/29/2017 re: (Doc. #74 in 1:16cv1026, Doc. #73 in 1:16cv1164) MOTION to Stay filed by TIMOTHY K. MOORE, PHILIP E. BERGER, ROBERT A. RUCHO, DAVID R. LEWIS. Attorneys Edwin Speas, Jr., Emmet Bondurant, Steven Epstein, Annabelle Harless & Anita Earls appeared on behalf of Plaintiffs. Attorneys Alexander Peters, James Bernier, Jr., Michael McKnight & Phillip Strach appeared on behalf of Defendants. The court heard from counsel for the defendants regarding the basis for this motion. The court heard arguments from counsel for the Common Cause plaintiffs and counsel for the League of Women Voters plaintiffs. The Court addressed the reason for the delay of trial previously scheduled for June, 2017. After hearing closing arguments from the parties, the court takes this matter under advisement. (Court Reporter Amy Condon, EDNC.) Associated Cases:

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		1:16cv1026, 1:16cv1164 (Welch, Kelly) (Entered: 08/29/2017)
08/29/2017	85	ORDER denying (74) Motion to Stay in case 1:16-cv-01026-WO-JEP and denying (73) Motion to Stay in case 1:16-cv-01164-WO-JEP. A written opinion will follow. Signed by JUDGE W. EARL BRITT on 8/29/2017. Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP (Marsh, Keah) (Entered: 08/29/2017)
09/01/2017	86	Transcript of Motion Hearing Proceedings held on 08/29/2017, before Judge WILLIAM L. OSTEEN, JR., Judge W. EARL BRITT, and Judge JAMES A. WYNN, JR. * * * Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP. Court Reporter: Amy M. Condon, Raleigh, NC (Taylor, Abby) (Entered: 09/01/2017)
09/08/2017	87	MEMORANDUM OPINION - Circuit Judge Wynn, Jr., wrote the opinion in which Senior District Judge Britt joined. Chief District Judge Osteen, Jr.

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		concurred. Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WOJEP (Garland, Leah) (Entered: 09/08/2017)
09/11/2017	88	NOTICE OF HEARING: Bench Trial set for 10/16/2017 09:00 AM in Greensboro Courtroom #1 before CHIEF JUDGE WILLIAM L. OSTEEN JR., CIRCUIT JUDGE JAMES A. WYNN, JR., SENIOR JUDGE W. EARL BRITT (Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP) (Welch, Kelly) (Entered: 09/11/2017)
09/11/2017	89	NOTICE of Trial Calendar: Bench Trial set for 10/16/2017 09:00 AM in Greensboro Courtroom #1 before CHIEF JUDGE WILLIAM L. OSTEEN JR., CIRCUIT JUDGE JAMES A. WYNN, JR., SENIOR JUDGE W. EARL BRITT Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP (Welch, Kelly) (Entered: 09/11/2017)
09/11/2017		Set/Reset Deadlines/Hearings: Bench Trial set for 10/16/2017 09:00 AM in Greensboro Courtroom #1 before CHIEF JUDGE WILLIAM L. OSTEEN

Date Filed	#	Docket Text
		JR., CIRCUIT JUDGE JAMES A. WYNN, JR., SENIOR JUDGE W. EARL BRITT. Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP (Welch, Kelly) (Entered: 09/11/2017)
10/04/2017	90	FINAL PRETRIAL ORDER signed by CHIEF JUDGE WILLIAM L. OSTEEN, JR on 10/04/2017 as set out herein. Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP(Taylor, Abby) (Entered: 10/04/2017)
10/09/2017	91	Proposed Exhibit List *Amended* by WILLIAM COLLINS, ELLIOTT FELDMAN, CAROL FAULKNER FOX, LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA, ANNETTE LOVE, MARIA PALMER, GUNTHER PECK, ERSLA PHELPS, JOHN QUINN, III, AARON SARVER, JANIE SMITH SUMPTER, ELIZABETH TORRES EVANS, WILLIS WILLIAMS. (Attachments: # 1 Exhibit LWV Plaintiffs' Exhibit List) Associated Cases: 1:16-cv-01164-WO-JEP, 1:16-cv-01026-

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		WO-JEP(EARLS, ANITA) (Entered: 10/09/2017)
10/09/2017	92	MOTION to Bifurcate *Trial Testimony of Jowei Chen* by WILLIAM COLLINS, ELLIOTT FELDMAN, CAROL FAULKNER FOX, LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA, ANNETTE LOVE, MARIA PALMER, GUNTHER PECK, ERSLA PHELPS, JOHN QUINN, III, AARON SARVER, JANIE SMITH SUMPTER, ELIZABETH TORRES EVANS, WILLIS WILLIAMS. Response to Motion due by 10/30/2017 (Attachments: # 1 Text of Proposed Order) Associated Cases: 1:16-cv-01164- WO-JEP, 1:16-cv-01026-WO-JEP(EARLS, ANITA) (Entered: 10/09/2017)
10/09/2017	93	MEMORANDUM filed by Plaintiffs WILLIAM COLLINS, ELLIOTT FELDMAN, CAROL FAULKNER FOX, LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA, ANNETTE LOVE, MARIA PALMER, GUNTHER PECK, ERSLA PHELPS, JOHN

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		QUINN, III, AARON SARVER, JANIE SMITH SUMPTER, ELIZABETH TORRES EVANS, WILLIS WILLIAMS re (92 in 1:16-cv-01026-WO-JEP) MOTION to Bifurcate *Trial Testimony of Jowei Chen* filed by WILLIAM COLLINS, ELLIOTT FELDMAN, CAROL FAULKNER FOX, LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA, ANNETTE LOVE, MARIA PALMER, GUNTHER PECK, ERSLA PHELPS, JOHN QUINN, III, AARON SARVER, JANIE SMITH SUMPTER, ELIZABETH TORRES EVANS, WILLIS WILLIAMS. Associated Cases: 1:16-cv-01164-WO-JEP, 1:16-cv- 01026-WO-JEP(EARLS, ANITA) (Entered: 10/09/2017)
10/09/2017	94	Proposed Exhibit List *Amended* by DOUGLAS BERGER, ALICE L. BORDSEN, CYNTHIA S. BOYLAN, COY E. BREWER, JR, JONES P. BYRD, COMMON CAUSE, WILLIAM H. FREEMAN, JOHN W. GRESHAM, LARRY D. HALL, MORTON LURIE,

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		MELZER A. MORGAN, JR, JOHN MORRISON McNEILL, NORTH CAROLINA DEMOCRATIC PARTY, CHERYL LEE TAFT, RICHARD TAFT, RUSSELL G. WALKER, JR, ROBERT WARREN WOLF. (Attachments: # 1 Ex A - Joint Joint Trial Exhibit List, # 2 Ex B - Joint Plaintiffs' Trial Exhibit List, # 3 Ex C - Common Cause Plfs' Trial Exhibit List) Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP(SPEAS, EDWIN) (Entered: 10/09/2017)
10/09/2017	95	Proposed Exhibit List *Amended* by PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, STATE OF NORTH CAROLINA, THE NORTH CAROLINA STATE BOARD OF ELECTIONS, A. GRANT WHITNEY, JR, PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, THE STATE OF NORTH CAROLINA, A. GRANT WHITNEY, JR. (Attachments: #

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		1 Exhibit Defendants Amended Trial Exhibits List) Associated Cases: 1:16-cv-01026- WO-JEP, 1:16-cv-01164-WO-JEP(MCKNIGHT, MICHAEL) (Entered: 10/09/2017)
10/10/2017		Motions Submitted: (91 in 1:16cv1164, 92 in 1:16cv1026) MOTION to Bifurcate Trial Testimony of Jowei Chen to CHIEF JUDGE WILLIAM L. OSTEEN, JR. Associated Cases: 1:16cv1026, 1:16cv1164(Kemp, Donita) (Entered: 10/10/2017)
10/10/2017	96	AMENDED DOCUMENT by PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, STATE OF NORTH CAROLINA, THE NORTH CAROLINA STATE BOARD OF ELECTIONS, A. GRANT WHITNEY, JR, PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, THE STATE OF NORTH CAROLINA, A. GRANT WHITNEY, JR. Amendment to (58 in 1:16-cv- 01164-WO-JEP, 59 in 1:16-cv-01026-WO-JEP) Final Pretrial Disclosures,, *Defendants' Corrected*

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		Designations of Deposition Testimony. Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP(MCKNIGHT, MICHAEL) (Entered: 10/10/2017)
10/11/2017	97	RESPONSE in Support re 92 MOTION to Bifurcate *Trial Testimony of Jowei Chen*, 93 Memorandum,, filed by DOUGLAS BERGER, ALICE L. BORDSEN, CYNTHIA S. BOYLAN, COY E. BREWER, JR, JONES P. BYRD, COMMON CAUSE, WILLIAM H. FREEMAN, JOHN W. GRESHAM, LARRY D. HALL, MORTON LURIE, MELZER A. MORGAN, JR, JOHN MORRISON McNEILL, NORTH CAROLINA DEMOCRATIC PARTY, CHERYL LEE TAFT, RICHARD TAFT, RUSSELL G. WALKER, JR, ROBERT WARREN WOLF. Replies due by 10/25/2017 (BONDURANT, EMMET) (Entered: 10/11/2017)
10/13/2017	98	STATEMENT (*League Plaintiffs' Opening Statement*) by Plaintiffs WILLIAM COLLINS, ELLIOTT

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		FELDMAN, CAROL FAULKNER FOX, LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA, ANNETTE LOVE, MARIA PALMER, GUNTHER PECK, ERSLA PHELPS, JOHN QUINN, III, AARON SARVER, JANIE SMITH SUMPTER, ELIZABETH TORRES EVANS, WILLIS WILLIAMS. Associated Cases: 1:16-cv-01164- WO-JEP, 1:16-cv-01026-WO-JEP(EARLS, ANITA) (Entered: 10/13/2017)
10/13/2017	99	STATEMENT re (89 in 1:16-cv-01164-WO-JEP, 90 in 1:16-cv-01026-WOJEP) Final Pretrial Order (*Opening Statement on Behalf of the Common Cause Plaintiffs*) by Plaintiffs DOUGLAS BERGER, ALICE L. BORDSEN, CYNTHIA S. BOYLAN, COY E. BREWER, JR, JONES P. BYRD, COMMON CAUSE, WILLIAM H. FREEMAN, JOHN W. GRESHAM, LARRY D. HALL, MORTON LURIE, MELZER A. MORGAN, JR, JOHN MORRISON McNEILL, NORTH CAROLINA

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		DEMOCRATIC PARTY, CHERYL LEE TAFT, RICHARD TAFT, RUSSELL G. WALKER, JR, ROBERT WARREN WOLF. Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP(SPEAS, EDWIN) (Entered: 10/13/2017)
10/13/2017	100	STATEMENT by Defendants PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO. Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP (STRACH, PHILLIP) (Entered: 10/13/2017)
10/13/2017	101	NOTICE by PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, STATE OF NORTH CAROLINA, THE NORTH CAROLINA STATE BOARD OF ELECTIONS, PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, THE STATE OF NORTH CAROLINA, A. GRANT WHITNEY, JR *of Filing of*

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		Combined Deposition Designations and Counter-Designations (Attachments: # 1 Exhibit 1 - Annette Love Deposition, # 2 Exhibit 2- Larry Hall Deposition, # 3 Exhibit 3 - Gunther Peck Deposition, # 4 Exhibit 4 - Faulkner Fox Deposition, # 5 Exhibit 5 - William Collins Deposition, # 6 Exhibit 6 - Willis Williams Deposition, # 7 Exhibit 7 - Elizabeth Evans Deposition, # 8 Exhibit 8 - Douglas Berger Deposition, # 9 Exhibit 9 Ersla Phelps Depositions, # 10 Exhibit 10 - Richard Taft Deposition, # 11 Exhibit 11 - Cheryl Taft Deposition, # 12 Exhibit 12 - Morton Lurie Deposition, # 13 Exhibit 13 - Maria Palmer Deposition, # 14 Exhibit 14 - William Freeman Deposition, # 15 Exhibit 15 - Alice Bordsen Deposition, # 16 Exhibit 16 Merlzer Morgan Deposition, # 17 Exhibit 17 - Cynthia Boylan Deposition, # 18 Exhibit 18 - Coy Brewer Deposition, # 19 Exhibit 19 - John McNeill Deposition, # 20 Exhibit 20 - Elliott Feldman Deposition, # 21 Exhibit 21 - Robert Wolf

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		Deposition, # 22 Exhibit 22 - John Quinn Deposition, # 23 Exhibit 23 - Aaron Sarver Deposition, # 24 Exhibit 24 - Jones Byrd Deposition, # 25 Exhibit 25 - John Gresham Deposition, # 26 Exhibit 26 - Janie Sumpter Deposition, # 27 Exhibit 27 - Russell Walker Deposition, # 28 Exhibit 28 - Mary Klenz Deposition, # 29 Exhibit 29 - Bob Phillips Deposition, # 30 Exhibit 30 - Wayne Goodwin Deposition, # 31 Exhibit 31 - William Gilkeson Deposition, # 32 Exhibit 32 - Robert Rucho Deposition, # 33 Exhibit 33 - David Lewis Deposition, # 34 Exhibit 34 - Thomas Hofeller Deposition, # 35 Exhibit 35 - James Gimpel Deposition, # 36 Exhibit 36 - M.V. Hood Deposition, # 37 Exhibit 37 - Sean Trende Deposition) Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP(MCKNIGHT, MICHAEL) (Entered: 10/13/2017)
10/15/2017	102	Proposed Exhibit List *Second Amended* by WILLIAM

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		COLLINS, ELLIOTT FELDMAN, CAROL FAULKNER FOX, LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA, ANNETTE LOVE, MARIA PALMER, GUNTHER PECK, ERSLA PHELPS, JOHN QUINN, III, AARON SARVER, JANIE SMITH SUMPTER, ELIZABETH TORRES EVANS, WILLIS WILLIAMS. Associated Cases: 1:16-cv-01164-WO-JEP, 1:16-cv- 01026-WO-JEP(HARLESS, ANNABELLE) (Entered: 10/15/2017)
10/16/2017		Minute Entry for proceedings held before CHIEF JUDGE WILLIAM L. OSTEEN, JR., SENIOR JUDGE W. EARL BRITT, CIRCUIT JUDGE JAMES A. WYNN, JR. Bench Trial (Day 1) held on 10/16/2017: Attorneys Edwin Speas, Jr., Emmet Bondurant, Benjamin Thorpe, Steven B. Epstein, Peter Nelson and Caroline Mackie appeared on behalf of Plaintiffs Common Cause, et al.; Attorneys Anita Earls, Annabelle Harless,

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		Allison Riggs, Ruth Greenwood and Nicholas Stephanopoulos appeared on behalf of Plaintiffs League of Women Voters of North Carolina, et al.; Attorneys Phillip Strach, Michael McKnight, Alexander Peters and James Bernier appeared on behalf of the Defendants. For the reasons stated on the record the Court grants League of Women Voters Motion to Bifurcate Examination of Dr. Jowei Chen (Doc. #92 in case no. 1:16cv1026 & Doc. #91 in case no. 1:16cv1164;) The parties conferred and agreed that all depositions and all deposition exhibits come in the record as addressed in open court; Court accepts the stipulation of the parties. Plaintiffs presented evidence; Trial continued to October 17, 2017 at 9:00 a.m. in Greensboro, Courtroom 1. (See exhibit/witness list)(Court Reporter Joseph Armstrong.) Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP(Welch, Kelly) (Entered: 10/16/2017)

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10/17/2017		Minute Entry for proceedings held before CHIEF JUDGE WILLIAM L. OSTEEN, JR., SENIOR JUDGE W. EARL BRITT, CIRCUIT JUDGE JAMES A. WYNN, JR. Bench Trial (Day 2) held on 10/17/2017: Attorneys Edwin Speas, Jr., Emmet Bondurant, Benjamin Thorpe, Steven B. Epstein, Peter Nelson and Caroline Mackie appeared on behalf of Plaintiffs Common Cause, et al.; Attorneys Anita Earls, Annabelle Harless, Allison Riggs, Ruth Greenwood and Nicholas Stephanopoulos appeared on behalf of Plaintiffs League of Women Voters of North Carolina, et al.; Attorneys Phillip Strach, Michael McKnight, Alexander Peters and James Bernier appeared on behalf of the Defendants; Plaintiff Common Cause continued with evidence and rested; Plaintiff League of Women Voters of NC presented evidence; Parties agreed not to call witnesses re: exhibits 4022, 4023 & 4024, and will submit a stipulation in writing at the end of the day; Defendant agreed to

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		withdraw its objections relating to those exhibits on the condition that Dr. Hoffler submit a declaration to give his rebuttal. Trial continued to Wednesday, October 18, 2017 at 10:00 a.m. in Greensboro, Courtroom 1. (See exhibit/witness list) (Court Reporter Joseph Armstrong.) Associated Cases: 1:16-cv-01026-WOJEP, 1:16-cv-01164-WO-JEP(Welch, Kelly) (Entered: 10/17/2017)
10/18/2017		Minute Entry for proceedings held before CHIEF JUDGE WILLIAM L. OSTEEN, JR., SENIOR JUDGE W. EARL BRITT, CIRCUIT JUDGE JAMES A. WYNN, JR. Bench Trial (Day 3) held on 10/18/2017: Attorneys Edwin Speas, Jr., Emmet Bondurant, Benjamin Thorpe and Steven B. Epstein appeared on behalf of Plaintiffs Common Cause, et al.; Attorneys Anita Earls, Annabelle Harless, Allison Riggs, Ruth Greenwood and Nicholas Stephanopoulos appeared on behalf of Plaintiffs League of Women Voters of

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		North Carolina, et al.; Attorneys Phillip Strach, Michael McKnight, Alexander Peters and James Bernier appeared on behalf of the Defendants; Counsel for League of Women Voters of North Carolina produced additional exhibits; Parties to submit a written list to finalize all exhibits not objected to; Both Plaintiffs rest their case in chief; Defendants presented evidence; Trial continued to October 19, 2017 at 8:30 a.m. in Greensboro, Courtroom 1. (Court Reporter Joseph Armstrong.) Associated Cases: 1:16-cv-01026-WOJEP, 1:16-cv-01164-WO-JEP(Welch, Kelly) (Entered: 10/18/2017)
10/18/2017	103	Proposed Exhibit List *Final* by WILLIAM COLLINS, ELLIOTT FELDMAN, CAROL FAULKNER FOX, LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA, ANNETTE LOVE, MARIA PALMER, GUNTHER PECK, ERSLA PHELPS, JOHN QUINN, III, AARON SARVER, JANIE SMITH SUMPTER, ELIZABETH TORRES EVANS,

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		WILLIS WILLIAMS. Associated Cases: 1:16-cv-01164-WO-JEP, 1:16-cv-01026-WO-JEP (HARLESS, ANNABELLE) (Entered: 10/18/2017)
10/19/2017	104	Proposed Exhibit List *Final* by DOUGLAS BERGER, ALICE L. BORDSEN, CYNTHIA S. BOYLAN, COY E. BREWER, JR, JONES P. BYRD, COMMON CAUSE, WILLIAM H. FREEMAN, JOHN W. GRESHAM, LARRY D. HALL, MORTON LURIE, MELZER A. MORGAN, JR, JOHN MORRISON McNEILL, NORTH CAROLINA DEMOCRATIC PARTY, CHERYL LEE TAFT, RICHARD TAFT, RUSSELL G. WALKER, JR, ROBERT WARREN WOLF. (Attachments: # 1 Ex A - Final Joint Joint Trial Exhibit List, # 2 Ex B - Final Joint Plaintiffs' Trial Exhibit List, # 3 Ex C - Final Common Cause Plfs' Trial Exhibit List) Associated Cases: 1:16-cv- 01026-WO-JEP, 1:16-cv-01164-WO-JEP(SPEAS, EDWIN) (Entered: 10/19/2017)

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10/19/2017		Minute Entry for proceedings held before CHIEF JUDGE WILLIAM L. OSTEEN, JR., SENIOR JUDGE W. EARL BRITT, CIRCUIT JUDGE JAMES A. WYNN, JR. Bench Trial (Day 4) held on 10/19/2017: Attorneys Edwin Speas, Jr., Emmet Bondurant, Benjamin Thorpe, Steven B. Epstein and Caroline Mackie appeared on behalf of Plaintiffs Common Cause, et al.; Attorneys Anita Earls, Annabelle Harless, Allison Riggs, Ruth Greenwood and Nicholas Stephanopoulos appeared on behalf of Plaintiffs League of Women Voters of North Carolina, et al.; Attorneys Phillip Strach, Michael McKnight, Alexander Peters and James Bernier appeared on behalf of the Defendants. Defendants presented evidence; Defendant rests; Evidence concluded; Court admits all stipulated exhibits; Closing Arguments presented by Plaintiffs and Defendants; Post Trial Briefs due 11/6/2017; Court takes matter under advisement. (See

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		Exhibit/Witness list) (Court Reporter Joseph Armstrong.) Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WOJEP(Welch, Kelly) (Entered: 10/21/2017)
10/24/2017	105	Transcript of Bench Trial Volume I of IV held on 10/16/2017 before Judge William L. Osteen, Jr., Judge W. Earl Britt, and Judge James A. Wynn, Jr. Court Reporter/Transcriber J. Armstrong, Telephone number 336-332-6034. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. * * * Redaction Request due 11/17/2017. Redacted Transcript Deadline set for 11/27/2017. Release of Transcript Restriction set for 1/25/2018. Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-

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		cv-01164-WO-JEP(Armstrong, Joe) (Entered: 10/24/2017)
10/24/2017	106	Transcript of Bench Trial Volume Ii of IV held on 10/17/2017 before Judge William L. Osteen, Jr., Judge W. Earl Britt, and Judge James A. Wynn, Jr. Court Reporter/Transcriber J. Armstrong, Telephone number 336-332-6034. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. * * * Redaction Request due 11/17/2017. Redacted Transcript Deadline set for 11/27/2017. Release of Transcript Restriction set for 1/25/2018. Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP(Armstrong, Joe) (Entered: 10/24/2017)
10/24/2017	107	Transcript of Bench Trial Volume III of IV held on 10/18/2017 before Judge

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		William L. Osteen, Jr., Judge W. Earl Britt, and Judge James A. Wynn, Jr. Court Reporter/Transcriber J. Armstrong, Telephone number 336-332-6034. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. * * * Redaction Request due 11/17/2017. Redacted Transcript Deadline set for 11/27/2017. Release of Transcript Restriction set for 1/25/2018. Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP (Armstrong, Joe) (Main Document 107 replaced on 10/27/2017) (Contreras, Jamie). (Entered: 10/24/2017)
10/26/2017	108	Transcript of Bench Trial Volume IV of IV held on 10/19/2017 before Judge William L. Osteen, Jr., Judge W. Earl Britt, and Judge James A. Wynn, Jr. Court

Date Filed	#	Docket Text
		Reporter/Transcriber J. Armstrong, Telephone number 336-332-6034. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. * * * Redaction Request due 11/20/2017. Redacted Transcript Deadline set for 11/30/2017. Release of Transcript Restriction set for 1/29/2018. Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP (Armstrong, Joe) (Entered: 10/26/2017)
10/26/2017	109	Marked Exhibit List *Final Amended* by PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, STATE OF NORTH CAROLINA, THE NORTH CAROLINA STATE BOARD OF ELECTIONS, A. GRANT WHITNEY, JR, PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, THE

Date Filed	#	Docket Text
		STATE OF NORTH CAROLINA, A. GRANT WHITNEY, JR. (Attachments: # 1 Exhibit Defendants' Final Amended Exhibit List, # 2 Exhibit 5001 (Redacted Declaration of Dr. Thomas Hofeller), # 3 Exhibit 5116 (Second Declaration of Dr. Thomas Hofeller in Response to Declaration of Timothy Stallmann)) Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP (MCKNIGHT, MICHAEL) (Entered: 10/26/2017)
10/27/2017	110	NOTICE by DOUGLAS BERGER, ALICE L. BORDSEN, CYNTHIA S. BOYLAN, COY E. BREWER, JR, JONES P. BYRD, COMMON CAUSE, WILLIAM H. FREEMAN, JOHN W. GRESHAM, LARRY D. HALL, MORTON LURIE, MELZER A. MORGAN, JR, JOHN MORRISON McNEILL, NORTH CAROLINA DEMOCRATIC PARTY, CHERYL LEE TAFT, RICHARD TAFT, RUSSELL G. WALKER, JR, ROBERT

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		WARREN WOLF - *Common Cause Plaintiffs Notice of Filing of Deposition Transcripts* (Attachments: # 1 Attachment 1 - Deposition transcript of Thomas B. Hofeller, taken January 24, 2017, # 2 Attachment 2 - Deposition transcript of Thomas B. Hofeller, taken February 10, 2017, # 3 Attachment 3 - Deposition transcript of Rep. David Lewis, taken January 26, 2017, # 4 Attachment 4 - Deposition transcript of Rep. David Lewis, taken April 28, 2017, # 5 Attachment 5 - Deposition transcript of Sen. Robert A. Rucho, taken January 25, 2017, # 6 Attachment 6 - Deposition transcript of Bob Phillips, taken April 14, 2017, # 7 Attachment 7 - Deposition transcript of George Wayne Goodwin, taken April 17, 2017, # 8 Attachment 8 - Deposition transcript of Coy E. Brewer, Jr., taken April 18, 2017, # 9 Attachment 9 - Deposition transcript of John Morrison McNeill, taken April 5, 2017, # 10 Attachment 10 - Deposition transcript of Jones P. Byrd,

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		taken April 20, 2017) Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP(SPEAS, EDWIN) (Entered: 10/27/2017)
11/02/2017	111	NOTICE by PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, STATE OF NORTH CAROLINA, THE NORTH CAROLINA STATE BOARD OF ELECTIONS, A. GRANT WHITNEY, JR, PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, THE STATE OF NORTH CAROLINA, A. GRANT WHITNEY, JR *of Filing of Deposition Transcript* (Attachments: # 1 Exhibit Complete Deposition Transcript of William Gilkeson) Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP(MCKNIGHT, MICHAEL) (Entered: 11/02/2017)
11/06/2017	112	Proposed Findings of Fact and Conclusions of Law by WILLIAM COLLINS, ELLIOTT FELDMAN, CAROL FAULKNER FOX, LEAGUE OF WOMEN VOTERS OF

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		NORTH CAROLINA, ANNETTE LOVE, MARIA PALMER, GUNTHER PECK, ERSLA PHELPS, JOHN QUINN, III, AARON SARVER, JANIE SMITH SUMPTER, ELIZABETH TORRES EVANS, WILLIS WILLIAMS. Associated Cases: 1:16-cv-01164-WO-JEP, 1:16-cv- 01026-WO-JEP(GREENWOOD, RUTH) (Entered: 11/06/2017)
11/06/2017	113	TRIAL BRIEF (*Post-Trial*) by Plaintiffs WILLIAM COLLINS, ELLIOTT FELDMAN, CAROL FAULKNER FOX, LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA, ANNETTE LOVE, MARIA PALMER, GUNTHER PECK, ERSLA PHELPS, JOHN QUINN, III, AARON SARVER, JANIE SMITH SUMPTER, ELIZABETH TORRES EVANS, WILLIS WILLIAMS. Associated Cases: 1:16-cv-01164-WO-JEP, 1:16-cv- 01026-WO-JEP(GREENWOOD, RUTH) (Entered: 11/06/2017)
11/06/2017	114	Proposed Findings of Fact and Conclusions of Law by PHILIP E. BERGER, DAVID R. LEWIS,

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		TIMOTHY K. MOORE, ROBERT A. RUCHO, PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO. Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP (STRACH, PHILLIP) (Entered: 11/06/2017)
11/06/2017	115	TRIAL BRIEF by Defendants PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO. Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP (STRACH, PHILLIP) (Entered: 11/06/2017)
11/06/2017	116	TRIAL BRIEF (*Post-Trial*) by Plaintiffs DOUGLAS BERGER, ALICE L. BORDSEN, CYNTHIA S. BOYLAN, COY E. BREWER, JR, JONES P. BYRD, COMMON CAUSE, WILLIAM H. FREEMAN, JOHN W. GRESHAM, LARRY D. HALL, MORTON LURIE, MELZER A. MORGAN, JR, JOHN MORRISON McNEILL, NORTH CAROLINA

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		DEMOCRATIC PARTY, CHERYL LEE TAFT, RICHARD TAFT, RUSSELL G. WALKER, JR, ROBERT WARREN WOLF. Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP(SPEAS, EDWIN) (Entered: 11/06/2017)
11/06/2017	117	Proposed Findings of Fact and Conclusions of Law by DOUGLAS BERGER, ALICE L. BORDSEN, CYNTHIA S. BOYLAN, COY E. BREWER, JR, JONES P. BYRD, COMMON CAUSE, WILLIAM H. FREEMAN, JOHN W. GRESHAM, LARRY D. HALL, MORTON LURIE, MELZER A. MORGAN, JR, JOHN MORRISON McNEILL, NORTH CAROLINA DEMOCRATIC PARTY, CHERYL LEE TAFT, RICHARD TAFT, RUSSELL G. WALKER, JR, ROBERT WARREN WOLF. Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP(SPEAS, EDWIN) (Entered: 11/06/2017)
01/09/2018	118	MEMORANDUM OPINION. Circuit Judge Wynn wrote the majority opinion in which

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		Senior District Judge Britt concurred. District Judge Osteen, Jr., wrote a separate opinion concurring in part and dissenting in part. Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP(Daniel, J) (Entered: 01/09/2018)
01/11/2018	119	Emergency MOTION to Stay *Pending Supreme Court Review and Request for Expedited Ruling* by PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO. Response to Motion due by 2/1/2018 Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP (STRACH, PHILLIP) (Entered: 01/11/2018)
01/11/2018	120	ORDER entered by THREE JUDGE COURT PANEL on 01/11/2018. Legislative Defendants have filed a motion to stay (the "Motion") this Court's January 9, 2018, Memorandum Opinion, ECF No. 118 (the "Order"), invalidating North Carolina's

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		2016 congressional redistricting plan as a partisan gerrymander. Leg. Defs.' Emerg. Mot. to Stay Pending S. Ct. Rev. & Request for Exp. Rul'g, Jan. 11, 2018, ECF No. 119 . Plaintiffs and State Defendants are directed to file any response to the Motion on or before 5 p.m. on January 16, 2018. Defendants' obligations under the Order remain in effect during the pendency of this Motion. Associated Cases: 1:16-cv-01026-WOJEP, 1:16-cv-01164-WO-JEP(Garland, Leah) (Entered: 01/11/2018)
01/11/2018		Reset Response Deadline re: (119 in 1:16-cv-01026-WO-JEP, 117 in 1:16-cv- 01164-WO-JEP) Emergency MOTION to Stay *Pending Supreme Court Review and Request for Expedited Ruling*: Responses due by 1/16/2018. (See 120 Order in 16CV1026, 119 Order in 16CV1164) Associated Cases: 1:16-cv- 01026-WO-JEP, 1:16-cv-01164-WO-JEP (Garland, Leah) (Entered: 01/11/2018)
01/11/2018	121	NOTICE OF APPEAL TO THE SUPREME COURT re (118 in

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		1:16-cv- 01026-WO-JEP, 116 in 1:16-cv-01164-WO-JEP) Memorandum and Opinion, Filing fee $ 5. (STRACH, PHILLIP) Modified on 1/12/2018 to set out that Appeal is to the Supreme Court. (Garland, Leah) (Entered: 01/11/2018)
		* * *
01/12/2018	122	RESPONSE in Opposition re (117 in 1:16-cv-01164-WO-JEP) Emergency MOTION to Stay *Pending Supreme Court Review and Request for Expedited Ruling* filed by TIMOTHY K. MOORE, PHILIP E. BERGER, ROBERT A. RUCHO, DAVID R. LEWIS - ***PLAINTIFFS JOINT BRIEF IN OPPOSITION TO LEGISLATIVE DEFENDANTS EMERGENCY MOTION TO STAY PENDING SUPREME COURT REVIEW AND REQUEST FOR EXPEDITED RULING*** filed by DOUGLAS BERGER, ALICE L. BORDSEN, CYNTHIA S. BOYLAN, COY E. BREWER, JR, JONES P. BYRD, COMMON CAUSE, WILLIAM H. FREEMAN, JOHN W.

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		GRESHAM, LARRY D. HALL, MORTON LURIE, MELZER A. MORGAN, JR, JOHN MORRISON McNEILL, NORTH CAROLINA DEMOCRATIC PARTY, CHERYL LEE TAFT, RICHARD TAFT, RUSSELL G. WALKER, JR, ROBERT WARREN WOLF, WILLIAM COLLINS, ELLIOTT FELDMAN, CAROL FAULKNER FOX, LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA, ANNETTE LOVE, MARIA PALMER, GUNTHER PECK, ERSLA PHELPS, JOHN QUINN, III, AARON SARVER, JANIE SMITH SUMPTER, ELIZABETH TORRES EVANS, WILLIS WILLIAMS. Replies due by 1/26/2018 Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WOJEP(SPEAS, EDWIN) (Entered: 01/12/2018)
01/16/2018	123	MEMORANDUM OPINION AND ORDER DENYING LEGISLATIVE DEFENDANTS' EMERGENCY MOTION TO STAY signed by JUDGE JAMES A. WYNN, JR.,

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		JUDGE WILLIAM L. OSTEEN, JR., and JUDGE W. EARL BRITT on 01/16/2018, as set out herein. Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP (Garland, Leah) (Entered: 01/16/2018)
01/16/2018	124	NOTICE by DOUGLAS BERGER, ALICE L. BORDSEN, CYNTHIA S. BOYLAN, COY E. BREWER, JR, JONES P. BYRD, COMMON CAUSE, WILLIAM H. FREEMAN, JOHN W. GRESHAM, LARRY D. HALL, MORTON LURIE, MELZER A. MORGAN, JR, JOHN MORRISON McNEILL, NORTH CAROLINA DEMOCRATIC PARTY, CHERYL LEE TAFT, RICHARD TAFT, RUSSELL G. WALKER, JR, ROBERT WARREN WOLF, WILLIAM COLLINS, ELLIOTT FELDMAN, CAROL FAULKNER FOX, LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA, ANNETTE LOVE, MARIA PALMER, GUNTHER PECK, ERSLA PHELPS, JOHN

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		QUINN, III, AARON SARVER, JANIE SMITH SUMPTER, ELIZABETH TORRES EVANS, WILLIS WILLIAMS *Regarding Special Master Submission* Associated Cases: 1:16-cv-01164-WO-JEP, 1:16-cv- 01026-WO-JEP(RIGGS, ALLISON) (Entered: 01/16/2018)
06/27/2018	125	ORDER signed by JUDGE JAMES A. WYNN, JR., JUDGE WILLIAM L. OSTEEN, JR., and JUDGE W. EARL BRITT on 06/27/2018, that parties are invited to submit briefing to this Court by 5:00 p.m. on July 11, 2018, addressing four issues as set out. In addressing these questions, the parties should include citations to the record to support their arguments. Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP(Garland, Leah) (Entered: 06/27/2018)
		* * *
07/11/2018	128	RESPONSE *of the State Defendants to the June 27, 2018 Order* filed by STATE OF NORTH CAROLINA, THE NORTH CAROLINA STATE BOARD OF ELECTIONS, A.

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		GRANT WHITNEY, JR. Replies due by 7/25/2018 (BERNIER, JAMES) (Entered: 07/11/2018)
07/11/2018	129	*LWV Plaintiffs'* BRIEF re (124 in 1:16-cv-01164-WO-JEP) Order, . (Attachments: # 1 Appendix 1 - Salinger Declaration, # 2 Appendix 2 - Supplemental Chen Declaration - Part 1, # 3 Appendix 2- Supplemental Chen Declaration - Part 2, # 4 Appendix 2 - Supplemental Chen Declaration - Part 3, # 5 Appendix 2- Supplemental Chen Declaration - Part 4, # 6 Appendix 2- Supplemental Chen Declaration - Part 5, # 7 Appendix 2 - Supplemental Chen Declaration - Part 6, # 8 Appendix 2 - Supplemental Chen Declaration - Part 7, # 9 Appendix 2 - Supplemental Chen Declaration - Part 8, # 10 Appendix 2 - Supplemental Chen Declaration - Part 9, # 11 Appendix 2 - Supplemental Chen Declaration - Part 10, # 12 Appendix 2 - Supplemental Chen Declaration - Part 11, # 13 Appendix 2 - Supplemental Chen Declaration - Part 12, # 14 Appendix 2 -

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		Supplemental Chen Declaration - Part 13, # 15 Appendix 2 - Supplemental Chen Declaration - Part 14, # 16 Appendix 3 - Additional Proposed FoF/CoLs) Associated Cases: 1:16-cv-01164-WO-JEP, 1:16-cv- 01026-WO-JEP(RIGGS, ALLISON) (Entered: 07/11/2018)
07/11/2018	130	RESPONSE re 125 Order, - *Brief of the Common Cause Plaintiffs in Response to Order of June 27, 2018* filed by DOUGLAS BERGER, ALICE L. BORDSEN, CYNTHIA S. BOYLAN, COY E. BREWER, JR, JONES P. BYRD, COMMON CAUSE, WILLIAM H. FREEMAN, JOHN W. GRESHAM, LARRY D. HALL, MORTON LURIE, MELZER A. MORGAN, JR, JOHN MORRISON McNEILL, NORTH CAROLINA DEMOCRATIC PARTY, CHERYL LEE TAFT, RICHARD TAFT, RUSSELL G. WALKER, JR, ROBERT WARREN WOLF. Replies due by 7/25/2018 (Attachments: # 1 Exhibit A - Proposed Supplemental Findings of Fact

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		Relevant to District-Specific Claims of the Common Cause Plaintiffs, # 2 Exhibit B - Declaration of Dr. Jowei Chen)(SPEAS, EDWIN) (Entered: 07/11/2018)
07/11/2018	131	RESPONSE re (124 in 1:16-cv-01164-WO-JEP, 125 in 1:16-cv-01026-WOJEP) Order, *by the Legislative Defendants* filed by PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO. Replies due by 7/25/2018 Associated Cases: 1:16-cv-01026-WOJEP, 1:13-cv-00949-WO-JEP, 1:16-cv-01164-WO-JEP(STRACH, PHILLIP) (Entered: 07/11/2018)
07/12/2018		CASE REFERRED re: (Doc. 130 in 1:16cv1026) Response, (Doc. 131 in 1:16cv1026) Response, (Doc. 129 in 1:16cv1026) Brief, (Doc. 128 in 1:16cv1026) Response, to JUDGE WILLIAM L. OSTEEN, JR. Associated Cases: 1:16cv1164, 1:16cv1026 (Welch, Kelly) (Entered: 07/12/2018)

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07/13/2018	132	SUPREME COURT ORDER: The judgment is vacated, and the case is remanded to the United States District Court for the Middle District of North Carolina for further consideration in light of *Gill V. Whitford*, 585 U.S.____ (2018). (Entered at the Supreme Court on June 25, 2018) (Supreme Court case number: 17-1295) (Attachments: # 1 Envelope - Front and Back) (Garland, Leah) (Entered: 07/13/2018)
07/16/2018	133	ORDER signed by JUDGE JAMES A. WYNN, JR., JUDGE WILLIAM L. OSTEEN, JR., and JUDGE W. EARL BRITT on 07/16/2018, that Plaintiffs shall (1) provide Defendants with any previously undisclosed data or evidence underlying the declarations on or before July 19, 2018, and (2) make Dr. Chen and Mr. Salinger available for deposition by Legislative Defendants regarding the statements and analyses included in their declarations at a mutually agreeable time prior to or on July 31, 2018. FURTHER ORDERED that the

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		parties submit briefing to this Court on or before August 7, 2018, addressing whether based on the existing record, the proffered declarations by Dr. Chen and Mr. Salinger, and any additional deposition testimony by Dr. Chen and Mr. Salinger any, some, or all Plaintiffs have standing to assert a vote dilution claim under the Equal Protection Clause. Associated Cases: 1:16-cv-01026- WO-JEP, 1:16-cv-01164-WO-JEP(Garland, Leah) (Entered: 07/16/2018)
07/17/2018	134	RESPONSE re (133 in 1:16-cv-01164-WO-JEP) Order,,, filed by PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO. Replies due by 7/31/2018 Associated Cases: 1:16-cv- 01026-WO-JEP, 1:16-cv-01164-WO-JEP(STRACH, PHILLIP) (Entered: 07/17/2018)
07/18/2018	135	ORDER signed by JUDGE JAMES A. WYNN, JR., JUDGE WILLIAM L. OSTEEN, JR.,

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		JUDGE W. EARL BRITT on 07/18/2018, to the extent, Legislative Defendants maintain this court is without jurisdiction until July 20, 2018, the parties may consider this order as continually entered until that date. Plaintiffs have until 5:00 p.m. on July 20, 2018 to turn over to Defendants any previously undisclosed data or evidence underlying the declarations. The remaining deadlines established in the continuing July 16 Order remain in effect, all of which post-date July 20, 2018, and provide the parties with ample time to depose Dr. Chen and Mr. Salinger regarding the statements and analyses included in their proffered declarations and prepare additional briefing based on those declarations and depositions. Associated Cases: 1:16- cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP(Garland, Leah) (Entered: 07/18/2018)
07/24/2018	136	NOTICE by DOUGLAS BERGER, ALICE L. BORDSEN, CYNTHIA S.

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		BOYLAN, COY E. BREWER, JR, JONES P. BYRD, COMMON CAUSE, WILLIAM H. FREEMAN, JOHN W. GRESHAM, LARRY D. HALL, MORTON LURIE, MELZER A. MORGAN, JR, JOHN MORRISON McNEILL, NORTH CAROLINA DEMOCRATIC PARTY, CHERYL LEE TAFT, RICHARD TAFT, RUSSELL G. WALKER, JR, ROBERT WARREN WOLF re 130 Response,, *Notice of Filing of Clarification to the July 11, 2018 Supplemental Declaration of Jowei Chen (DE# 130-01)* (Attachments: # 1 Exhibit A - clarification to the July 11, 2018 Supplemental Declaration of Jowei Chen)(SPEAS, EDWIN) (Entered: 07/24/2018)
07/25/2018		CASE REFERRED re: 136 Notice of Filing, to JUDGE WILLIAM L. OSTEEN, JR. (Welch, Kelly) (Entered: 07/25/2018)
07/30/2018	137	SUPREME COURT JUDGMENT: It is ordered and adjudged by this Court that the judgment of the above court is

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		vacated with costs, and the case is remanded to the United States District Court for the Middle District of North Carolina for further consideration in light of *Gill v. Whitford*, 585 U.S. ___ (2018). (Signed at the Supreme Court on June 25, 2018) (Supreme Court case number: 17-1295) (Attachments: # 1 Envelope - Front and Back)(Garland, Leah) (Entered: 07/30/2018)
08/07/2018	138	*Brief of the Common Cause Plaintiffs in Response to Order of July 16, 2018* - BRIEF re (133 in 1:16-cv-01026-WO-JEP, 133 in 1:16-cv-01164-WO-JEP) Order,,, . (Attachments: # 1 Exhibit A - Deposition of Dr. Jowei Chen) Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP(SPEAS, EDWIN) (Entered: 08/07/2018)
08/07/2018	139	*LWV Plaintiffs'* BRIEF re (133 in 1:16-cv-01026-WO-JEP, 133 in 1:16-cv- 01164-WO-JEP) Order,,, by Plaintiffs WILLIAM COLLINS, ELLIOTT FELDMAN, CAROL FAULKNER FOX, LEAGUE OF WOMEN VOTERS OF

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		NORTH CAROLINA, ANNETTE LOVE, MARIA PALMER, GUNTHER PECK, ERSLA PHELPS, JOHN QUINN, III, AARON SARVER, JANIE SMITH SUMPTER, ELIZABETH TORRES EVANS, WILLIS WILLIAMS filed by WILLIAM COLLINS, ELLIOTT FELDMAN, CAROL FAULKNER FOX, LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA, ANNETTE LOVE, MARIA PALMER, GUNTHER PECK, ERSLA PHELPS, JOHN QUINN, III, AARON SARVER, JANIE SMITH SUMPTER, ELIZABETH TORRES EVANS, WILLIS WILLIAMS. (Attachments: # 1 Appendix 1 - Salinger Dep. Excerpt) Associated Cases: 1:16-cv-01164-WO-JEP, 1:16-cv-01026-WO-JEP(RIGGS, ALLISON) (Entered: 08/07/2018)
08/07/2018	140	BRIEF re (133 in 1:16-cv-01026-WO-JEP, 133 in 1:16-cv-01164-WO-JEP) Order,,, by Defendants PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE,

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		ROBERT A. RUCHO, PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO filed by PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO. (Attachments: # 1 Exhibit A - Salinger Deposition Transcript, # 2 Exhibit B - Chen Deposition Transcript, # 3 Exhibit Chen Deposition Exhibit 14, # 4 Exhibit Chen Deposition Exhibit 15, # 5 Exhibit C - Trende Report, # 6 Exhibit D - Hood Report) Associated Cases: 1:16-cv- 01026-WO-JEP, 1:16-cv-01164-WO-JEP(STRACH, PHILLIP) (Entered: 08/07/2018)
08/09/2018	141	Corrected document re (139 in 1:16-cv-01164-WO-JEP, 140 in 1:16-cv- 01026-WO-JEP) Brief,,. (Attachments: # 1 Exhibit -1, # 2 Exhibit -2, # 3 Exhibit -3, # 4 Exhibit -4, # 5 Exhibit -5, # 6 Exhibit -6) Associated Cases: 1:16-cv-01164-WO-JEP, 1:16-cv-01026-WO-JEP(STRACH, PHILLIP) (Entered: 08/09/2018)

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08/27/2018	142	**MEMORANDUM OPINION.** WYNN, Circuit Judge, wrote the opinion, in which BRITT, Senior District Judge, concurred. OSTEEN, JR., District Judge, concurs in part and dissents in part. Associated Cases: 1:16-cv-01026-WOJEP, 1:16-cv-01164-WO-JEP(Marsh, Keah) (Entered: 08/27/2018)
08/29/2018	143	NOTICE by DOUGLAS BERGER, ALICE L. BORDSEN, CYNTHIA S. BOYLAN, COY E. BREWER, JR, JONES P. BYRD, COMMON CAUSE, WILLIAM H. FREEMAN, JOHN W. GRESHAM, LARRY D. HALL, MORTON LURIE, MELZER A. MORGAN, JR, JOHN MORRISON McNEILL, NORTH CAROLINA DEMOCRATIC PARTY, CHERYL LEE TAFT, RICHARD TAFT, RUSSELL G. WALKER, JR, ROBERT WARREN WOLF, WILLIAM COLLINS, ELLIOTT FELDMAN, CAROL FAULKNER FOX, LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA,

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		ANNETTE LOVE, MARIA PALMER, GUNTHER PECK, ERSLA PHELPS, JOHN QUINN, III, AARON SARVER, JANIE SMITH SUMPTER, ELIZABETH TORRES EVANS, WILLIS WILLIAMS re (141 in 1:16-cv- 01164-WO-JEP) Memorandum and Opinion, *of Consultation re: Special Master* Associated Cases: 1:16-cv-01164-WO-JEP, 1:16-cv-01026-WO-JEP (RIGGS, ALLISON) (Entered: 08/29/2018)
08/31/2018	144	*Memorandum Regarding Remedies from the Common Cause and League of Women Voters Plaintiffs* - BRIEF re (141 in 1:16-cv-01164-WO-JEP) Memorandum and Opinion, by Plaintiffs DOUGLAS BERGER, ALICE L. BORDSEN, CYNTHIA S. BOYLAN, COY E. BREWER, JR, JONES P. BYRD, COMMON CAUSE, WILLIAM H. FREEMAN, JOHN W. GRESHAM, LARRY D. HALL, MORTON LURIE, MELZER A. MORGAN, JR, JOHN MORRISON McNEILL, NORTH CAROLINA DEMOCRATIC PARTY,

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		CHERYL LEE TAFT, RICHARD TAFT, RUSSELL G. WALKER, JR, ROBERT WARREN WOLF, WILLIAM COLLINS, ELLIOTT FELDMAN, CAROL FAULKNER FOX, LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA, ANNETTE LOVE, MARIA PALMER, GUNTHER PECK, ERSLA PHELPS, JOHN QUINN, III, AARON SARVER, JANIE SMITH SUMPTER, ELIZABETH TORRES EVANS, WILLIS WILLIAMS filed by DOUGLAS BERGER, ALICE L. BORDSEN, CYNTHIA S. BOYLAN, COY E. BREWER, JR, JONES P. BYRD, COMMON CAUSE, WILLIAM H. FREEMAN, JOHN W. GRESHAM, LARRY D. HALL, MORTON LURIE, MELZER A. MORGAN, JR, JOHN MORRISON McNEILL, NORTH CAROLINA DEMOCRATIC PARTY, CHERYL LEE TAFT, RICHARD TAFT, RUSSELL G. WALKER, JR, ROBERT WARREN WOLF, WILLIAM COLLINS, ELLIOTT

Date Filed	#	Docket Text
		FELDMAN, CAROL FAULKNER FOX, LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA, ANNETTE LOVE, MARIA PALMER, GUNTHER PECK, ERSLA PHELPS, JOHN QUINN, III, AARON SARVER, JANIE SMITH SUMPTER, ELIZABETH TORRES EVANS, WILLIS WILLIAMS. (Attachments: # 1 Exhibit A - Second Declaration of Kim Westbrook Strach from Covington v. North Carolina, # 2 Exhibit B - N.C. Election Board's Response to Petitions for Writ of Supersedeas or Prohibition in Cooper v. Berger, No. 367P18 (N.C. Aug. 29, 2018), # 3 Exhibit C - Judgment in Covington v. North Carolina) Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP(SPEAS, EDWIN) (Entered: 08/31/2018)
08/31/2018	145	NOTICE OF APPEAL TO THE SUPREME COURT re: (141 in 1:16-cv- 01164-WO-JEP, 142 in 1:16-cv-01026-WO-JEP) Memorandum and Opinion, Filing fee $ 5, receipt number

Date Filed	#	Docket Text
		0418-2418982. (STRACH, PHILLIP) (Entered: 08/31/2018)
08/31/2018	146	Emergency MOTION to Stay *Pending Supreme Court Review and Request for Expedited Ruling* by PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO. Response to Motion due by 9/21/2018 Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WOJEP(STRACH, PHILLIP) (Entered: 08/31/2018)
08/31/2018	147	MEMORANDUM IN SUPPORT OF EMERGENCY MOTION TO STAY (146 in 1:16-cv-01026-WO-JEP, 145 in 1:16-cv-01164-WO-JEP) AND IN RESPONSE TO THE COURT'S ORDER OF AUGUST 27, 2018 (141 in 1:16-cv-01164-WO-JEP, 142 in 1:16-cv-01026-WO-JEP) filed by PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, Replies due by 9/14/2018 (Attachments: # 1 Exhibit 1 - Wall Street

Date Filed	#	Docket Text
		Journal Article, # 2 Exhibit 2 - Declaration of Carter Wrenn, # 3 Exhibit 3 - Campaign Finance Summary for N.C. Congressional Candidates Through Second Quarter Reports, # 4 Exhibit 4 - State Board of Elections Memo of August 29, 2018, # 5 Exhibit 5 - Second Declaration of Kim Strach in Covington v. State of North Carolina, # 6 Exhibit 6 - Shaw v. Hunt Order of July 30, 1996) Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP(STRACH, PHILLIP) Modified on 9/4/2018 to edit title of document (Welch, Kelly). (Entered: 08/31/2018)
08/31/2018	148	STATE DEFENDANTS' BRIEF ON POSSIBLE REMEDIES filed by Defendants PATRICK MCCRORY, STATE OF NORTH CAROLINA, THE NORTH CAROLINA STATE BOARD OF ELECTIONS, A. GRANT WHITNEY, JR, Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP(BERNIER, JAMES) (Entered: 08/31/2018)

Date Filed	#	Docket Text
09/04/2018	149	COMMON CAUSE PLAINTIFFS' BRIEF IN RESPONSE TO LEGISLATIVE DEFENDANTS' EMERGENCY MOTION TO STAY PENDING SUPREME COURT REVIEW AND REQUEST FOR EXPEDITED RULING (146 in 1:16-cv-01026-WO-JEP, 145 in 1:16-cv- 01164-WO-JEP) filed by DOUGLAS BERGER, ALICE L. BORDSEN, CYNTHIA S. BOYLAN, COY E. BREWER, JR, JONES P. BYRD, COMMON CAUSE, WILLIAM H. FREEMAN, JOHN W. GRESHAM, LARRY D. HALL, MORTON LURIE, MELZER A. MORGAN, JR, JOHN MORRISON McNEILL, NORTH CAROLINA DEMOCRATIC PARTY, CHERYL LEE TAFT, RICHARD TAFT, RUSSELL G. WALKER, JR, ROBERT WARREN WOLF. Replies due by 9/18/2018 Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP(SPEAS, EDWIN) (Entered: 09/04/2018)
09/04/2018	150	**ORDER** signed by JUDGE JAMES A. WYNN, JR., JUDGE

Date Filed	#	Docket Text
		WILLIAM L. OSTEEN, JR., JUDGE W. EARL BRITT on 09/04/2018 as set out herein. Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP (Garland, Leah) (Entered: 09/04/2018)
09/05/2018	151	RESPONSE in Opposition re (146 in 1:16-cv-01026-WO-JEP) Emergency MOTION to Stay *Pending Supreme Court Review and Request for Expedited Ruling* filed by TIMOTHY K. MOORE, PHILIP E. BERGER, ROBERT A. RUCHO, DAVID R. LEWIS filed by WILLIAM COLLINS, ELLIOTT FELDMAN, CAROL FAULKNER FOX, LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA, ANNETTE LOVE, MARIA PALMER, GUNTHER PECK, ERSLA PHELPS, JOHN QUINN, III, AARON SARVER, JANIE SMITH SUMPTER, ELIZABETH TORRES EVANS, WILLIS WILLIAMS. Replies due by 9/12/2018 Associated Cases: 1:16-cv- 01164-WO-JEP, 1:16-cv-01026-WO-

Date Filed	#	Docket Text
		JEP(GREENWOOD, RUTH) (Entered: 09/05/2018)
09/05/2018	152	RESPONSE re (149 in 1:16-cv-01164-WO-JEP, 150 in 1:16-cv-01026-WOJEP) Order - *Response of the Common Cause Plaintiffs to the Court's Order of September 4, 2018* filed by DOUGLAS BERGER, ALICE L. BORDSEN, CYNTHIA S. BOYLAN, COY E. BREWER, JR, JONES P. BYRD, COMMON CAUSE, WILLIAM H. FREEMAN, JOHN W. GRESHAM, LARRY D. HALL, MORTON LURIE, MELZER A. MORGAN, JR, JOHN MORRISON McNEILL, NORTH CAROLINA DEMOCRATIC PARTY, CHERYL LEE TAFT, RICHARD TAFT, RUSSELL G. WALKER, JR, ROBERT WARREN WOLF. Replies due by 9/19/2018 Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP(SPEAS, EDWIN) (Entered: 09/05/2018)
09/05/2018	153	RESPONSE filed by Defendants PATRICK MCCRORY, STATE OF NORTH CAROLINA, THE

Date Filed	#	Docket Text
		NORTH CAROLINA STATE BOARD OF ELECTIONS, A. GRANT WHITNEY, JR, THE NORTH CAROLINA STATE BOARD OF ELECTIONS, THE STATE OF NORTH CAROLINA, A. GRANT WHITNEY, JR re (145 in 1:16-cv-01164-WO-JEP) Emergency MOTION to Stay *Pending Supreme Court Review and Request for Expedited Ruling* filed by TIMOTHY K. MOORE, PHILIP E. BERGER, ROBERT A. RUCHO, DAVID R. LEWIS filed by PATRICK MCCRORY, STATE OF NORTH CAROLINA, THE NORTH CAROLINA STATE BOARD OF ELECTIONS, A. GRANT WHITNEY, JR, THE STATE OF NORTH CAROLINA, A. GRANT WHITNEY, JR. Replies due by 9/19/2018 Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP (BERNIER, JAMES) (Entered: 09/05/2018)
09/05/2018		CASE REFERRED re: (Documents 151, 152 & 153 in 1:16cv1026 and Documents 150, 151 & 152 in 1:16cv1164)

Date Filed	#	Docket Text
		Responses to the Court's Order dated September 4, 2018, to JUDGE WILLIAM L. OSTEEN, JR. (Welch, Kelly) (Entered: 09/05/2018)
09/05/2018	154	REPLY, filed by Defendants PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, to Response to (74 in 1:16-cv-01026-WO-JEP, 73 in 1:16-cv-01164-WO-JEP) MOTION to Stay filed by PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO. Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP (STRACH, PHILLIP) (Entered: 09/05/2018)
09/12/2018	155	ORDER signed by JUDGE JAMES A. WYNN, JR., JUDGE WILLIAM L. OSTEEN, JR., JUDGE W. EARL BRITT on 09/12/2018 granting 146 Motion to Stay (145 Motion to Stay in

Date Filed	#	Docket Text
		case 1:16-cv-01164). Associated Cases: 1:16- cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP (Garland, Leah) (Entered: 09/12/2018)
10/09/2018	156	**SUPREME COURT NOTICE** re 145 Notice of Appeal - Supreme Court. An appeal in the above-entitled case was filed in this Court October 1, 2018 and placed on the docket October 3, 2018, as No. 18-422. (Attachments: # 1 Envelope - Front and Back) (Garland, Leah) (Entered: 10/10/2018)

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

No. 16-cv-01164

LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA, *et al.*,

v.

ROBERT A. RUCHO, *et al.*

DOCKET ENTRIES

Date Filed	#	Docket Text
09/22/2016	1	**COMPLAINT EQUITABLE RELIEF SOUGHT THREE JUDGE PANEL REQUESTED** against PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, THE NORTH CAROLINA STATE BOARD OF ELECTIONS, THE STATE OF NORTH CAROLINA, A. GRANT WHITNEY, JR (Filing fee $ 400 receipt number 0418-1991932.)(Related Case # 1:16-cv-1026), filed by JANIE SMITH SUMPTER, GUNTHER PECK, WILLIAM THOMAS COLLINS, LEAGUE OF WOMEN VOTERS OF NORTH

Date Filed	#	Docket Text
		CAROLINA, WILLIS WILLIAMS, MARIA TERESA UNGER PALMER, ELLIOTT FELDMAN, JOHN QUINN, ELIZABETH TORRES EVANS, ERSLA PHELPS, CAROL FAULKNER FOX, AARON SARVER, ANNETTE LOVE. (Attachments: # 1 Exhibit Exhibit A Adopted Criteria, # 2 Exhibit Exhibit B Feb. 16 Transcript, # 3 Exhibit Exhibit C Feb. 17 Transcript)(EARLS, ANITA) Modified on 10/13/2016 (Powell, Gloria). Modified on 10/13/2016 to reflect Request for Three-Judge Court. (Powell, Gloria). (Entered: 09/22/2016)
09/22/2016	2	Corporate Disclosure Statement by LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA. (EARLS, ANITA) (Entered: 09/22/2016)
		* * *
09/22/2016	4	Additional Attachments to Main Document *Civil Cover Sheet*. (EARLS, ANITA) (Entered: 09/22/2016)
		* * *
09/23/2016	6	Summons Issued as to All Defendants. (Attachments: # 1

Date Filed	#	Docket Text
		SBOE, # 2 WHITNEY, # 3 LEWIS, # 4 MOORE, # 5 BERGER, # 6 STATE OF NC)(Coyne, Michelle) (Entered: 09/23/2016)
09/23/2016	7	Notice of Right to Consent. Counsel shall serve the attached form on all parties. (Attachments: # 1 CONSENT FORM)(Coyne, Michelle) (Entered: 09/23/2016)
09/23/2016		Case ASSIGNED to CHIEF JUDGE WILLIAM L. OSTEEN, JR and MAGISTRATE JUDGE JOI ELIZABETH PEAKE. Set flag for Magistrate Judge Joi Elizabeth Peake. (Coyne, Michelle) (Entered: 09/23/2016)
		* * *
10/12/2016	17	MOTION for Extension of Time to File Answer re 1 Complaint,, by PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, THE NORTH CAROLINA STATE BOARD OF ELECTIONS, THE STATE OF NORTH CAROLINA, A. GRANT WHITNEY, JR. (Attachments: # 1 Text of Proposed Order) (PETERS,

Date Filed	#	Docket Text
		ALEXANDER) (Entered: 10/12/2016)
		* * *
10/13/2016		Motion Referred: re: 17 MOTION for Extension of Time to File Answer re 1 Complaint, to MAG/JUDGE JOI ELIZABETH PEAKE. (Welch, Kelly) (Entered: 10/13/2016)
		* * *
10/18/2016	26	RESPONSE in Opposition re (17 in 1:16-cv-01164-WO-JEP) MOTION for Extension of Time to File Answer re (1) Complaint,, filed by WILLIAM COLLINS, ELLIOTT FELDMAN, CAROL FAULKNER FOX, LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA, ANNETTE LOVE, MARIA PALMER, GUNTHER PECK, ERSLA PHELPS, JOHN QUINN, III, AARON SARVER, JANIE SMITH SUMPTER, ELIZABETH TORRES EVANS, WILLIS WILLIAMS. (Attachments: # 1 Exhibit Email Correspondence, # 2 Exhibit Harris v McCrory Order) Associated Cases: 1:16-cv-01164- WO-JEP, 1:16-cv-01026-

Date Filed	#	Docket Text
		WO-JEP(EARLS, ANITA) (Entered: 10/18/2016)
		* * *
10/26/2016		Motion Submitted: 17 MOTION for Extension of Time to File Answer re 1 Complaint, to CHIEF JUDGE WILLIAM L. OSTEEN, JR. (Welch, Kelly) (Entered: 10/26/2016)
10/27/2016	28	ORDER designating the Honorable James A. Wynn, United States Circuit Judge for the Fourth Circuit, the Honorable William L. Osteen, Jr., Chief Judge for the Middle District of North Carolina, and the Honorable W. Earl Britt, Senior United States District Judge for the Eastern District of North Carolina, to serve in the hearing and determination of this matter, constituting a district court of three judges as provided by law. Signed on 10/27/2016 by ROGER L. GREGORY, Chief Judge, U.S. Court of Appeals for the Fourth Circuit. (Daniel, J) (Entered: 10/28/2016)
10/28/2016	29	ORDER signed by CHIEF JUDGE WILLIAM L. OSTEEN, JR. on 10/28/2016, that

Date Filed	#	Docket Text
		Defendants' motion for extension (Doc. 17) is **GRANTED**. Defendants have up to and including November 28, 2016, within which to answer or other respond to Plaintiffs' complaint. (Daniel, J) (Entered: 10/28/2016)
11/28/2016	30	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM by PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, THE NORTH CAROLINA STATE BOARD OF ELECTIONS, THE STATE OF NORTH CAROLINA, A. GRANT WHITNEY, JR. Responses due by 12/22/2016 (FARR, THOMAS) (Entered: 11/28/2016)
11/28/2016	31	MEMORANDUM filed by Defendants PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, THE NORTH CAROLINA STATE BOARD OF ELECTIONS, THE STATE OF NORTH CAROLINA, A. GRANT WHITNEY, JR re 30 MOTION TO DISMISS FOR FAILURE

Date Filed	#	Docket Text
		TO STATE A CLAIM filed by PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, THE NORTH CAROLINA STATE BOARD OF ELECTIONS, THE STATE OF NORTH CAROLINA, A. GRANT WHITNEY, JR. (FARR, THOMAS) (Entered: 11/28/2016)
12/19/2016	32	ORDER signed by CHIEF JUDGE WILLIAM L. OSTEEN, JR on 12/19/2016; that Plaintiffs' Motion to Schedule Pre-Trial Conference in case number 1:16CV1026 (Doc. 35) is hereby GRANTED. FURTHER ORDERED that the parties in 1:16CV1164 shall meet and confer as required by LR 16.1(b) and thereafter file an appropriate Rule 26(f) report(s), on or before January 4, 2017. Upon the filing of the Rule 26(f) reports, the Clerk is directed to promptly set a hearing on an initial pretrial conference as required by LR 16.1(c) for each of these cases. The Clerk may confer with all counsel to determine a date upon which all counsel may be available in

Date Filed	#	Docket Text
		anticipation of the filing of the pretrial reports. Nevertheless, the pretrial conference will be set at the direction of the court. Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP(Garland, Leah) (Entered: 12/19/2016)
12/19/2016	33	Rule 26(f) Report (Individual). Response to Motion due by 1/4/2017 by WILLIAM COLLINS, ELLIOTT FELDMAN, CAROL FAULKNER FOX, LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA, ANNETTE LOVE, MARIA PALMER, GUNTHER PECK, ERSLA PHELPS, JOHN QUINN, III, AARON SARVER, JANIE SMITH SUMPTER, ELIZABETH TORRES EVANS, WILLIS WILLIAMS.(EARLS, ANITA) (Entered: 12/19/2016)
12/19/2016	34	RESPONSE in Opposition re 30 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by WILLIAM COLLINS, ELLIOTT FELDMAN, CAROL FAULKNER FOX, LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA,

Date Filed	#	Docket Text
		ANNETTE LOVE, MARIA PALMER, GUNTHER PECK, ERSLA PHELPS, JOHN QUINN, III, AARON SARVER, JANIE SMITH SUMPTER, ELIZABETH TORRES EVANS, WILLIS WILLIAMS. (EARLS, ANITA) (Entered: 12/19/2016)
01/03/2017	35	REPLY, filed by Defendants PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, THE NORTH CAROLINA STATE BOARD OF ELECTIONS, THE STATE OF NORTH CAROLINA, A. GRANT WHITNEY, JR, to Response to 30 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, THE NORTH CAROLINA STATE BOARD OF ELECTIONS, THE STATE OF NORTH CAROLINA, A. GRANT WHITNEY, JR. (FARR, THOMAS) (Entered: 01/03/2017)
01/04/2017	36	Rule 26(f) Report (Individual). by PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K.

Date Filed	#	Docket Text
		MOORE, ROBERT A. RUCHO, THE NORTH CAROLINA STATE BOARD OF ELECTIONS, THE STATE OF NORTH CAROLINA, A. GRANT WHITNEY, JR. (FARR, THOMAS) (Entered: 01/04/2017)
01/13/2017	37	NOTICE of Hearing: Pretrial Conference set for 2/6/2017 02:00 PM in Greensboro Courtroom #1 before CHIEF JUDGE WILLIAM L. OSTEEN JR. Associated Cases: 1:16-cv-01164-WO-JEP, 1:16-cv-01026-WO-JEP (Welch, Kelly) (Entered: 01/13/2017)
02/01/2017	38	AMENDED Rule 26(f) Report (Individual) by Plaintiffs WILLIAM COLLINS, ELLIOTT FELDMAN, CAROL FAULKNER FOX, LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA, ANNETTE LOVE, MARIA PALMER, GUNTHER PECK, ERSLA PHELPS, JOHN QUINN, III, AARON SARVER, JANIE SMITH SUMPTER, ELIZABETH TORRES EVANS, WILLIS WILLIAMS. (EARLS, ANITA) Modified on 2/2/2017 to

Date Filed	#	Docket Text
		edit event type to reflect as a motion (Welch, Kelly). (Entered: 02/01/2017)
02/02/2017	39	MOTION to Consolidate Cases. Case to be consolidated with 1:16-cv-1026 by WILLIAM COLLINS, ELLIOTT FELDMAN, CAROL FAULKNER FOX, LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA, ANNETTE LOVE, MARIA PALMER, GUNTHER PECK, ERSLA PHELPS, JOHN QUINN, III, AARON SARVER, JANIE SMITH SUMPTER, ELIZABETH TORRES EVANS, WILLIS WILLIAMS. Response to Motion due by 2/23/2017 (Attachments: # 1 Proposed Order) (EARLS, ANITA) (Entered: 02/02/2017)
02/02/2017		Motions Submitted: 30 Motion to Dismiss for Failure to State a Claim, 36 Defendants' Rule 26(f) Report (Individual), 38 Plaintiffs' AMENDED Rule 26(f) Report (Individual), 39 Motion to Consolidate Cases, to CHIEF JUDGE WILLIAM L. OSTEEN, JR. (Welch, Kelly) (Entered: 02/02/2017)

Date Filed	#	Docket Text
02/06/2017		Minute Entry for proceedings held before CHIEF JUDGE WILLIAM L. OSTEEN, JR., in G-1: Pretrial Conference held on 2/6/2017. Attorneys Edwin Speas, Jr., Emmet Bondurant, Benjamin Thorpe and Caroline Mackie appeared on behalf of Plaintiffs Common Cause, et al. Attorneys Anita Earls and Gerald Hebert appeared on behalf of Plaintiffs League of Women Voters of North Carolina, et al. Attorneys Thomas Farr and James Bernier appeared on behalf of the Defendants. For reasons stated on the record, the Court orally grants 39 Joint Consent Motion to Consolidate Cases (1:16CV1026 & 1:16CV1164) for purposes of discovery and trial; Parties conferred and agreed upon scheduling order deadlines as to both cases; Parties to submit a proposed Joint Rule 26(f) Report for the Court's consideration; Court tentatively set this matter for trial on June 26, 2017. (Court Reporter Joseph Armstrong.) Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-

Date Filed	#	Docket Text
		WO-JEP(Welch, Kelly) (Entered: 02/06/2017)
02/07/2017	40	ORDER signed by CHIEF JUDGE WILLIAM L. OSTEEN, JR on 02/07/2017; that the following actions are consolidated for purposes of discovery and trial: *League of Women Voters v. Rucho*, No. 1:16-cv-1164, and *Common Cause v. Rucho*, No. 1:16-cv-1026. All notices, requests, responses, motions and other filings related to both actions must be served on all counsel in each action and bear the case caption for each action that has been consolidated pursuant to this order. Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP (Garland, Leah) (Entered: 02/07/2017)
02/10/2017	41	AMENDED COMPLAINT against All Defendants, filed by JANIE SMITH SUMPTER, GUNTHER PECK, WILLIAM COLLINS, LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA, WILLIS WILLIAMS, MARIA PALMER, ELLIOTT FELDMAN, JOHN QUINN, III, ELIZABETH

Date Filed	#	Docket Text
		TORRES EVANS, ERSLA PHELPS, CAROL FAULKNER FOX, AARON SARVER, ANNETTE LOVE. (Attachments: # 1 Exhibit "A" Adopted Criteria, # 2 Exhibit "B" February 16, 2016 Joint Redistricting Committee Hearing Transcript, # 3 Exhibit "C" February 17, 2016 Joint Redistricting Committee Hearing Transcript) (EARLS, ANITA) (Entered: 02/10/2017)
02/14/2017	42	JOINT 26(F) REPORT by Plaintiffs DOUGLAS BERGER, ALICE L. BORDSEN, CYNTHIA S. BOYLAN, COY E. BREWER, JR, JONES P. BYRD, COMMON CAUSE, WILLIAM H. FREEMAN, JOHN W. GRESHAM, LARRY D. HALL, MORTON LURIE, MELZER A. MORGAN, JR, JOHN MORRISON McNEILL, NORTH CAROLINA DEMOCRATIC PARTY, CHERYL LEE TAFT, RICHARD TAFT, RUSSELL G. WALKER, JR, ROBERT WARREN WOLF, WILLIAM COLLINS, ELLIOTT FELDMAN, CAROL FAULKNER FOX, LEAGUE

Date Filed	#	Docket Text
		OF WOMEN VOTERS OF NORTH CAROLINA, ANNETTE LOVE, MARIA PALMER, GUNTHER PECK, ERSLA PHELPS, JOHN QUINN, III, AARON SARVER, JANIE SMITH SUMPTER, ELIZABETH TORRES EVANS, WILLIS WILLIAMS. Associated Cases: 1:16-cv-01164-WO-JEP, 1:16-cv-01026-WO-JEP(EARLS, ANITA) Modified on 2/15/2017 to properly set out correct event. (Garland, Leah) (Entered: 02/14/2017)
02/15/2017	43	NOTICE by DOUGLAS BERGER, ALICE L. BORDSEN, CYNTHIA S. BOYLAN, COY E. BREWER, JR, JONES P. BYRD, COMMON CAUSE, WILLIAM H. FREEMAN, JOHN W. GRESHAM, LARRY D. HALL, MORTON LURIE, MELZER A. MORGAN, JR, JOHN MORRISON McNEILL, NORTH CAROLINA DEMOCRATIC PARTY, CHERYL LEE TAFT, RICHARD TAFT, RUSSELL G. WALKER, JR, ROBERT WARREN WOLF - *Common*

Date Filed	#	Docket Text
		Cause's Preliminary Outline of Legal Standards (filed per Court's request at the February 6, 2017 status conference) Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP(SPEAS, EDWIN) (Entered: 02/15/2017)
		* * *
02/21/2017	45	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM Plaintiffs' Amended Complaint by PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, THE NORTH CAROLINA STATE BOARD OF ELECTIONS, THE STATE OF NORTH CAROLINA, A. GRANT WHITNEY, JR. Response to Motion due by 3/14/2017 (FARR, THOMAS) (Entered: 02/21/2017)
02/21/2017	46	MEMORANDUM filed by Defendants PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, THE NORTH CAROLINA STATE BOARD OF ELECTIONS, THE STATE OF NORTH CAROLINA, A. GRANT

Date Filed	#	Docket Text
		WHITNEY, JR re 41 Amended Complaint,, 45 MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM Plaintiffs' Amended Complaint filed by PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, THE NORTH CAROLINA STATE BOARD OF ELECTIONS, THE STATE OF NORTH CAROLINA, A. GRANT WHITNEY, JR. (FARR, THOMAS) (Entered: 02/21/2017)
03/01/2017	47	ORDER signed by CHIEF JUDGE WILLIAM L. OSTEEN, JR on 03/01/2017 approving without modification 42 RULE 26F (JOINT) in case 1:16-cv-01026-WO-JEP and 42 RULE 26F (JOINT) in case 1:16-cv-01164-WO-JEP. Discovery shall be established as Standard. Mediation is not required under LR 16.4 in this case. The parties state that they do not wish to reference the case to a Magistrate Judge or appointment of a master. Trial is expected to take five (5) days and a jury trial has not been demanded. Plaintiff's Amended

Date Filed	#	Docket Text
		Pleadings due by 2/10/2017. Defendant's Amended Pleadings due by 2/10/2017. Discovery due by 4/28/2017. Joinder of Parties for Plaintiff due by 2/10/2017. Joinder of Parties for Defendant due by 2/10/2017. Motions due by 5/12/2017. Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP (Garland, Leah) (Entered: 03/01/2017)
		* * *
03/03/2017	49	ANSWER to Amended Complaint by PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, THE NORTH CAROLINA STATE BOARD OF ELECTIONS, THE STATE OF NORTH CAROLINA, A. GRANT WHITNEY, JR. Associated Cases: 1:16-cv-01164-WO-JEP, 1:16-cv-01026-WOJEP(FARR, THOMAS) (Entered: 03/03/2017)
03/03/2017	50	MEMORANDUM OPINION signed by JUDGE JAMES A. WYNN, JR., CHIEF JUDGE WILLIAM L. OSTEEN, JR, and JUDGE W. EARL BRITT on

Date Filed	#	Docket Text
		03/03/2017. Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP(Garland, Leah) Modified on 5/22/2017 to correct misspelling. (Garland, Leah) (Entered: 03/03/2017)
03/03/2017	51	ORDER signed JUDGE JAMES A. WYNN, JR, CHIEF JUDGE WILLIAM L. OSTEEN, JR, and JUDGE W. EARL BRITT on 03/03/2017, that the Defendants' Motion to Dismiss in Case No. 1:16-CV-1026 is DENIED; and it is further ORDERED that the Defendants' Motion to Dismiss First Amended Complaint Filed by League Of Women Voters Of North Carolina ("LWVNC") Plaintiffs in Case No. 1:16-CV-1164 is DENIED; and it is further ORDERED that the Defendants' Motion to Dismiss in Case No. 1:16-CV- 1164 (Doc. 30) is DENIED, as moot. Associated Cases: 1:16-cv-01026-WO-JEP, 1:16- cv-01164-WO-JEP (Garland, Leah) (Entered: 03/03/2017)
		* * *
05/23/2017	53	NOTICE of Trial Calendar: Bench Trial set for 6/26/2017

Date Filed	#	Docket Text
		09:30 AM in Greensboro Courtroom #1 before CHIEF JUDGE WILLIAM L. OSTEEN JR., JUDGE JAMES A. WYNN, JR., SENIOR JUDGE W. EARL BRITT. Associated Cases: 1:16-cv-01026-WOJEP, 1:16-cv-01164-WO-JEP (Welch, Kelly) (Entered: 05/23/2017)
05/30/2017	54	FINAL PRETRIAL DISCLOSURES by WILLIAM COLLINS, ELLIOTT FELDMAN, CAROL FAULKNER FOX, LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA, ANNETTE LOVE, MARIA PALMER, GUNTHER PECK, ERSLA PHELPS, JOHN QUINN, III, AARON SARVER, JANIE SMITH SUMPTER, ELIZABETH TORRES EVANS, WILLIS WILLIAMS. (Attachments: # 1 Exhibit Attachment 1 Deposition Designations, # 2 Exhibit COLLINS, WILLIAM designations, # 3 Exhibit EVANS, ELIZABETH designations, # 4 Exhibit FELDMAN, ELLIOTT designations, # 5 Exhibit FOX, FAULKNER designations, # 6

Date Filed	#	Docket Text
		Exhibit LOVE, ANNETTE designations, # 7 Exhibit PALMER, MARIA designations, # 8 Exhibit PECK, GUNTHER designations, # 9 Exhibit PHELPS, ERSLA M designations, # 10 Exhibit QUINN, III, JOHN J designations, # 11 Exhibit SARVER, AARON J designations, # 12 Exhibit SUMPTER, JANIE S designations, # 13 Exhibit TROTTER KLENZ, MARY designations, # 14 Exhibit WILLIAMS, WILLIS designations, # 15 Exhibit LEWIS, REPRESENTATIVE DAVID I designations, # 16 Exhibit LEWIS, REPRESENTATIVE DAVID II designations, # 17 Exhibit HOFELLER, THOMAS B I designations, # 18 Exhibit HOFELLER, THOMAS B II designations, # 19 Exhibit RUCHO, SENATOR ROBERT A designations, # 20 Exhibit GIMPEL, JAMES G designations, # 21 Exhibit HOOD III, M.V. designations, # 22 Exhibit TRENDE, SEAN designations) Associated Cases:

Date Filed	#	Docket Text
		1:16-cv-01164-WO-JEP, 1:16-cv-01026-WOJEP(GREENWOOD, RUTH) (Entered: 05/30/2017)
05/30/2017	55	FINAL PRETRIAL DISCLOSURES by WILLIAM COLLINS, ELLIOTT FELDMAN, CAROL FAULKNER FOX, LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA, ANNETTE LOVE, MARIA PALMER, GUNTHER PECK, ERSLA PHELPS, JOHN QUINN, III, AARON SARVER, JANIE SMITH SUMPTER, ELIZABETH TORRES EVANS, WILLIS WILLIAMS. Associated Cases: 1:16-cv-01164-WO-JEP, 1:16-cv-01026-WO-JEP(GREENWOOD, RUTH) (Entered: 05/30/2017)
05/30/2017	56	(See Amended Document 66) PRETRIAL DISCLOSURES by DOUGLAS BERGER, ALICE L. BORDSEN, CYNTHIA S. BOYLAN, COY E. BREWER, JR, JONES P. BYRD, COMMON CAUSE, WILLIAM H. FREEMAN, JOHN W. GRESHAM, LARRY D. HALL, MORTON LURIE, MELZER A.

Date Filed	#	Docket Text
		MORGAN, JR, JOHN MORRISON McNEILL, NORTH CAROLINA DEMOCRATIC PARTY, CHERYL LEE TAFT, RICHARD TAFT, RUSSELL G. WALKER, JR, ROBERT WARREN WOLF. (Attachments: # 1 Exhibit A - Deposition Designations, # 2 Exhibit B - Joint Plaintiffs' Exhibit List, # 3 Exhibit C - Common Cause Plaintiffs' Exhibit List) Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP(SPEAS, EDWIN) (Entered: 05/30/2017)
05/30/2017	57	*Exhibit List* by WILLIAM COLLINS, ELLIOTT FELDMAN, CAROL FAULKNER FOX, LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA, ANNETTE LOVE, MARIA PALMER, GUNTHER PECK, ERSLA PHELPS, JOHN QUINN, III, AARON SARVER, JANIE SMITH SUMPTER, ELIZABETH TORRES EVANS, WILLIS WILLIAMS. (Attachments: # 1 Exhibit Attachment 1 Joint Plaintiffs' Exhibit List, # 2 Exhibit

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		Attachment 2 LWVNC Plaintiffs' Exhibit List) Associated Cases: 1:16-cv-01164- WO-JEP, 1:16-cv-01026-WO-JEP(GREENWOOD, RUTH) (Entered: 05/30/2017)
05/30/2017	58	FINAL PRETRIAL DISCLOSURES by PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, STATE OF NORTH CAROLINA, THE NORTH CAROLINA STATE BOARD OF ELECTIONS, A. GRANT WHITNEY, JR, PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, THE STATE OF NORTH CAROLINA, A. GRANT WHITNEY, JR. (Attachments: # 1 Exhibit 1 - Designations of Deposition Testimony, # 2 Exhibit 2 - Exhibit List (Expect to Offer), # 3 Exhibit 3 - Exhibit List (May Offer)) Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP(MCKNIGHT, MICHAEL) (Entered: 05/30/2017)
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Date Filed	#	Docket Text
06/05/2017	60	Proposed Findings of Fact and Conclusions of Law by PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, PATRICK L. McCRORY, ROBERT A. RUCHO, STATE OF NORTH CAROLINA, THE NORTH CAROLINA STATE BOARD OF ELECTIONS, A. GRANT WHITNEY, JR, PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, THE STATE OF NORTH CAROLINA, A. GRANT WHITNEY, JR. Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164- WO-JEP(STRACH, PHILLIP) (Entered: 06/05/2017)
		* * *
06/05/2017	62	Proposed Findings of Fact and Conclusions of Law by WILLIAM COLLINS, ELLIOTT FELDMAN, CAROL FAULKNER FOX, LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA, ANNETTE LOVE, MARIA PALMER, GUNTHER PECK, ERSLA PHELPS, JOHN QUINN, III, AARON SARVER,

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		JANIE SMITH SUMPTER, ELIZABETH TORRES EVANS, WILLIS WILLIAMS. Associated Cases: 1:16-cv-01164-WO-JEP, 1:16-cv-01026-WO-JEP(GREENWOOD, RUTH) (Entered: 06/05/2017)
06/05/2017	63	TRIAL BRIEF by Plaintiffs WILLIAM COLLINS, ELLIOTT FELDMAN, CAROL FAULKNER FOX, LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA, ANNETTE LOVE, MARIA PALMER, GUNTHER PECK, ERSLA PHELPS, JOHN QUINN, III, AARON SARVER, JANIE SMITH SUMPTER, ELIZABETH TORRES EVANS, WILLIS WILLIAMS. Associated Cases: 1:16-cv-01164-WO-JEP, 1:16-cv- 01026-WO-JEP(GREENWOOD, RUTH) (Entered: 06/05/2017)
06/05/2017	64	Proposed Findings of Fact and Conclusions of Law by DOUGLAS BERGER, ALICE L. BORDSEN, CYNTHIA S. BOYLAN, COY E. BREWER, JR, JONES P. BYRD, COMMON CAUSE, WILLIAM H. FREEMAN, JOHN W.

Date Filed	#	Docket Text
		GRESHAM, LARRY D. HALL, MORTON LURIE, MELZER A. MORGAN, JR, JOHN MORRISON McNEILL, NORTH CAROLINA DEMOCRATIC PARTY, CHERYL LEE TAFT, RICHARD TAFT, RUSSELL G. WALKER, JR, ROBERT WARREN WOLF. Associated Cases: 1:16-cv- 01026-WO-JEP, 1:16-cv-01164-WO-JEP(SPEAS, EDWIN) (Entered: 06/05/2017)
06/08/2017	65	NOTICE OF HEARING: Final Pretrial Conference set for 6/19/2017 09:30 AM in Greensboro Courtroom #1 before CHIEF JUDGE WILLIAM L. OSTEEN JR. Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP(Welch, Kelly) (Entered: 06/08/2017)
06/09/2017		TEXT ORDER - The parties have submitted a number of questions about trial issues to the Clerk. The majority of those questions and any other pre-trial issues will be addressed at a pre-trial conference scheduled for June 19, 2017. However, in light of the upcoming trial date,

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		two issues will be addressed in this order. First, the parties asked whether there is a pre-trial deadline for filing evidentiary motions and responses. Any pre-trial motions to exclude expert testimony shall be filed on or before Monday, June 19, 2017, at 5:00 p.m. Responses shall be filed on or before 12:00 noon on Thursday, June 22, 2017. A motion to exclude expert testimony shall include as an exhibit the expert report of the challenged witness along with any rebuttal expert reports. The filing of any other motion in limine or evidentiary motion will be addressed during the pre-trial conference. Second, the League Plaintiffs filed their transcript designations along with their pre-trial disclosures. The Common Cause Plaintiffs and Defendants should file their transcript designations at the earliest possible time. [Issued by CHIEF JUDGE WILLIAM L. OSTEEN, JR., on 06/09/2017.] Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv- 01164-

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		WO-JEP. (Cable, Frances) (Entered: 06/09/2017)
06/13/2017	66	AMENDED DOCUMENT (Amended Rule 26(a)(3)(A) Pretrial Disclosures) by DOUGLAS BERGER, ALICE L. BORDSEN, CYNTHIA S. BOYLAN, COY E. BREWER, JR, JONES P. BYRD, COMMON CAUSE, WILLIAM H. FREEMAN, JOHN W. GRESHAM, LARRY D. HALL, MORTON LURIE, MELZER A. MORGAN, JR, JOHN MORRISON McNEILL, NORTH CAROLINA DEMOCRATIC PARTY, CHERYL LEE TAFT, RICHARD TAFT, RUSSELL G. WALKER, JR, ROBERT WARREN WOLF. Amendment to (56 in 1:16-cv-01164-WO-JEP) Pretrial Disclosures,, . Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP(SPEAS, EDWIN) (Entered: 06/13/2017)
06/13/2017	67	DESIGNATION OF DEPOSITION TRANSCRIPT by DOUGLAS BERGER, ALICE L. BORDSEN, CYNTHIA S. BOYLAN, COY E.

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		BREWER, JR, JONES P. BYRD, COMMON CAUSE, WILLIAM H. FREEMAN, JOHN W. GRESHAM, LARRY D. HALL, MORTON LURIE, MELZER A. MORGAN, JR, JOHN MORRISON McNEILL, NORTH CAROLINA DEMOCRATIC PARTY, CHERYL LEE TAFT, RICHARD TAFT, RUSSELL G. WALKER, JR, ROBERT WARREN WOLF. Associated Cases: 1:16-cv- 01026-WO-JEP, 1:16-cv-01164-WO-JEP(SPEAS, EDWIN) (Entered: 06/13/2017)
06/13/2017	68	OBJECTION - Other re (59 in 1:16-cv-01026-WO-JEP, 58 in 1:16-cv-01164-WO-JEP) Final Pretrial Disclosures,, by Plaintiffs WILLIAM COLLINS, ELLIOTT FELDMAN, CAROL FAULKNER FOX, LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA, ANNETTE LOVE, MARIA PALMER, GUNTHER PECK, ERSLA PHELPS, JOHN QUINN, III, AARON SARVER, JANIE SMITH SUMPTER, ELIZABETH TORRES EVANS, WILLIS WILLIAMS. (Attachments: # 1 Exhibit

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		Objections to Defendants' Exhibits, # 2 Exhibit Counter-Designations to Defendants Deposition Designations, # 3 Exhibit Collins Counter-Designations, # 4 Exhibit Feldman Counter-Designations, # 5 Exhibit Love Counter-Designations, # 6 Exhibit Palmer Counter-Designations, # 7 Exhibit Sumpter Counter-Designations, # 8 Exhibit Klenz Counter-Designations) Associated Cases: 1:16-cv-01164-WO-JEP, 1:16-cv-01026-WOJEP(EARLS, ANITA) (Entered: 06/13/2017)
06/13/2017	69	OBJECTION - Other re (58 in 1:16-cv-01164-WO-JEP, 59 in 1:16-cv-01026-WO-JEP) Final Pretrial Disclosures,, by Plaintiffs DOUGLAS BERGER, ALICE L. BORDSEN, CYNTHIA S. BOYLAN, COY E. BREWER, JR, JONES P. BYRD, COMMON CAUSE, WILLIAM H. FREEMAN, JOHN W. GRESHAM, LARRY D. HALL, MORTON LURIE, MELZER A. MORGAN, JR, JOHN MORRISON McNEILL, NORTH CAROLINA DEMOCRATIC PARTY,

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		CHERYL LEE TAFT, RICHARD TAFT, RUSSELL G. WALKER, JR, ROBERT WARREN WOLF. Associated Cases: 1:16-cv- 01026-WO-JEP, 1:16-cv-01164-WO-JEP(SPEAS, EDWIN) (Entered: 06/13/2017)
06/13/2017	70	OBJECTION - Other re (57 in 1:16-cv-01026-WO-JEP, 56 in 1:16-cv-01164-WO-JEP) Pretrial Disclosures,, (58 in 1:16-cv-01026-WO-JEP, 57 in 1:16-cv-01164-WO-JEP) Exhibit List, (55 in 1:16-cv-01164-WO-JEP, 56 in 1:16-cv-01026-WO-JEP) Final Pretrial Disclosures, (54 in 1:16-cv-01164-WO-JEP, 55 in 1:16-cv-01026-WO-JEP) Final Pretrial Disclosures,,,,, by Defendants PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, STATE OF NORTH CAROLINA, THE NORTH CAROLINA STATE BOARD OF ELECTIONS, A. GRANT WHITNEY, JR, PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, THE NORTH CAROLINA STATE BOARD OF ELECTIONS, THE STATE OF NORTH

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		CAROLINA, A. GRANT WHITNEY, JR. (Attachments: # 1 Exhibit 1 - Defendants' Objections to Plaintiffs' Joint Exhibits, # 2 Exhibit 2 - Defendants' Objections to Plaintiff LWV's Proposed Exhibits, # 3 Exhibit 3 - Defendants' Objections to Plaintiff Common Cause's Proposed Exhibits, # 4 Exhibit 4 - Defendants' Objections and Counter- Designations of Plaintiffs Designations of Deposition Testimony) Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP(MCKNIGHT, MICHAEL) (Entered: 06/13/2017)
06/19/2017	71	MOTION in Limine *to exclude testimony of Sean P. Trende at trial* by WILLIAM COLLINS, ELLIOTT FELDMAN, CAROL FAULKNER FOX, ANNETTE LOVE, MARIA PALMER, GUNTHER PECK, ERSLA PHELPS, JOHN QUINN, III, AARON SARVER, JANIE SMITH SUMPTER, ELIZABETH TORRES EVANS, WILLIS WILLIAMS. Response to Motion due by 6/22/2017

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		Associated Cases: 1:16-cv-01164- WO-JEP, 1:16-cv-01026-WO-JEP(GREENWOOD, RUTH) (Entered: 06/19/2017)
06/19/2017	72	BRIEF re (71 in 1:16-cv-01164-WO-JEP) MOTION in Limine *to exclude testimony* of Sean P. Trende at trial . (Attachments: # 1 Exhibit 1 - Expert Report of Sean P. Trende, dated April 3, 2017, # 2 Exhibit 2 - Deposition of Sean P. Trende, dated May 5, 2017, # 3 Exhibit 3 - Curriculum Vitae of Sean P. Trende, # 4 Exhibit 4 Expert Report of Dr. Simon Jackman, dated April 18, 2017, # 5 Exhibit 5 - Bernard Grofman & Gary King, The Future of Partisan Symmetry as a Judicial Test for, # 6 Exhibit 6 Rebuttal Report of Dr. Simon Jackman, dated April 17, 2017, # 7 Exhibit 7 Deposition of James G. Gimpel, dated April 27, 2017, # 8 Exhibit 8 Curriculum Vitae of Dr. Simon Jackman, # 9 Exhibit 9 Curriculum Vitae of Dr. Jowei Chen, # 10 Exhibit 10 Curriculum Vitae of Dr. Jonathan Rodden, # 11 Exhibit 11 American Political Science Association, APSR Submission

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		Guidelines, updated August 26, 2016, # 12 Exhibit 12 Trial Transcript, Whitford v. Nichol, 218 F. Supp. 3d 837, 854 (W.D. Wis. 2016) (No. 1:15-cv-421-bbc), # 13 Exhibit 13 Expert Report of Simon Jackman, dated July 7, 2015, Whitford v. Nichol, 218 F. Supp. 3d 837 (W.D. Wis. 2016) (No. 1:15-cv-421-bbc), # 14 Exhibit 14 Almanac of American Politics 2014, at 1233 (Michael Barone et al. eds., 2014), # 15 Exhibit 15 Michael D. McDonald & Robin E. Best, Unfair Partisan Gerrymanders in Politics and Law: A Diagnostic Applied to Six Cases, 14 Election L.J. 312 (2015), # 16 Exhibit 16 - Samuel S. H. Wang, Three Tests for Practical Evaluation of Partisan Gerrymandering, 68 Stan. L. Rev. 1263 (2016)) Associated Cases: 1:16-cv-01164-WO-JEP, 1:16-cv-01026- WO-JEP(GREENWOOD, RUTH) (Entered: 06/19/2017)
06/19/2017		Minute Entry for proceedings held before CHIEF JUDGE WILLIAM L. OSTEEN, JR., in G-1: Pretrial Conference held on 6/19/2017. Attorneys Edwin

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		Speas, Jr., Emmet Bondurant, Benjamin Thorpe, Steven Epstein, Anita Earls, Anabelle Harless and Ruth Greenwood appeared on behalf of Plaintiffs. Attorneys Phillip Strach, Michael McKnight and James Bernier, Jr., appeared on behalf of Defendant. On the Court's own motion, the trial in this matter is continued to a date to be determined. Deadline for filing any Motions in Limine remains as today by 5:00 p.m. Responses due within fourteen days. Stipulations, Revised Joint Exhibit list and any motions with respect to expert witness testimony are to be filed one (1) week prior to the new trial date. Parties agree that the estimated trial time remains as five (5) days. (Court Reporter Jane Calhoun.) Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP(Welch, Kelly) (Entered: 06/19/2017)
06/26/2017	73	MOTION to Stay by PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE,

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		ROBERT A. RUCHO. Response to Motion due by 7/17/2017 Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP(STRACH, PHILLIP) (Entered: 06/26/2017)
06/26/2017	74	MEMORANDUM filed by Defendants PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO re (74 in 1:16-cv-01026-WOJEP, 73 in 1:16-cv-01164-WO-JEP) MOTION to Stay filed by PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO. Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP(STRACH, PHILLIP) (Entered: 06/26/2017)
07/03/2017	75	RESPONSE in Opposition re (71 in 1:16-cv-01164-WO-JEP, 72 in 1:16-cv-01026-WOJEP) MOTION in Limine to *exclude testimony of Sean P. Trende at*

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		trial filed by WILLIS WILLIAMS, ELIZABETH TORRES EVANS, GUNTHER PECK, WILLIAM COLLINS, AARON SARVER, JOHN QUINN, III, ANNETTE LOVE, ELLIOTT FELDMAN, CAROL FAULKNER FOX, MARIA PALMER, ERSLA PHELPS, JANIE SMITH SUMPTER filed by PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, STATE OF NORTH CAROLINA, THE NORTH CAROLINA STATE BOARD OF ELECTIONS, A. GRANT WHITNEY, JR, PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, THE STATE OF NORTH CAROLINA, A. GRANT WHITNEY, JR. Replies due by 7/17/2017 (Attachments: # 1 Exhibit 1 - Chart of 1992-2016 Congressional Plans - Divided Counties and VTDs) Associated Cases: 1:16-cv-01164-WO-JEP, 1:16-cv-01026-WOJEP(STRACH, PHILLIP) (Entered: 07/03/2017)

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07/17/2017	76	REPLY, filed by Plaintiffs WILLIAM COLLINS, ELLIOTT FELDMAN, CAROL FAULKNER FOX, LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA, ANNETTE LOVE, MARIA PALMER, GUNTHER PECK, ERSLA PHELPS, JOHN QUINN, III, AARON SARVER, JANIE SMITH SUMPTER, ELIZABETH TORRES EVANS, WILLIS WILLIAMS, to Response to (71 in 1:16-cv-01164-WO-JEP, 72 in 1:16-cv-01026-WO-JEP) MOTION in Limine *to exclude testimony of Sean P. Trende at trial* filed by WILLIAM COLLINS, ELLIOTT FELDMAN, CAROL FAULKNER FOX, LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA, ANNETTE LOVE, MARIA PALMER, GUNTHER PECK, ERSLA PHELPS, JOHN QUINN, III, AARON SARVER, JANIE SMITH SUMPTER, ELIZABETH TORRES EVANS, WILLIS WILLIAMS. Associated Cases: 1:16-cv-01164-WO-JEP, 1:16-cv-01026-

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		WOJEP(GREENWOOD, RUTH) (Entered: 07/17/2017)
07/17/2017	77	RESPONSE in Opposition re (74 in 1:16-cv-01026-WO-JEP) MOTION to Stay filed by TIMOTHY K. MOORE, PHILIP E. BERGER, ROBERT A. RUCHO, DAVID R. LEWIS filed by WILLIAM COLLINS, ELLIOTT FELDMAN, CAROL FAULKNER FOX, LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA, ANNETTE LOVE, MARIA PALMER, GUNTHER PECK, ERSLA PHELPS, JOHN QUINN, III, AARON SARVER, JANIE SMITH SUMPTER, ELIZABETH TORRES EVANS, WILLIS WILLIAMS. Replies due by 7/31/2017 Associated Cases: 1:16-cv-01164-WO-JEP, 1:16- cv-01026-WO-JEP(HARLESS, ANNABELLE) (Entered: 07/17/2017)
07/17/2017	78	RESPONSE in Opposition re (74 in 1:16-cv-01026-WO-JEP, 73 in 1:16-cv-01164-WOJEP) MOTION to Stay filed by TIMOTHY K. MOORE, PHILIP E. BERGER, ROBERT A. RUCHO, DAVID R. LEWIS

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		filed by DOUGLAS BERGER, ALICE L. BORDSEN, CYNTHIA S. BOYLAN, COY E. BREWER, JR, JONES P. BYRD, COMMON CAUSE, WILLIAM H. FREEMAN, JOHN W. GRESHAM, LARRY D. HALL, MORTON LURIE, MELZER A. MORGAN, JR, JOHN MORRISON McNEILL, NORTH CAROLINA DEMOCRATIC PARTY, CHERYL LEE TAFT, RICHARD TAFT, RUSSELL G. WALKER, JR, ROBERT WARREN WOLF. Replies due by 7/31/2017 Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP(SPEAS, EDWIN) (Entered: 07/17/2017)
07/31/2017	79	REPLY, filed by Defendants PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, to Response to (73 in 1:16-cv-01164-WO-JEP) MOTION to Stay filed by PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, PHILIP

Date Filed	#	Docket Text
		E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO. Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv- 01164-WO-JEP(STRACH, PHILLIP) (Entered: 07/31/2017)
		* * *
08/11/2017		Motions Submitted: (#74 in 1:16cv1026, #73 in 1:16cv1164) MOTION to Stay, to CHIEF JUDGE WILLIAM L. OSTEEN, JR. (Welch, Kelly) (Entered: 08/11/2017)
08/23/2017	82	NOTICE OF HEARING: Hearing on Legislative Defendants' Motion to Stay set for 8/29/2017 11:30 AM in **Raleigh, Courtroom #2** before SENIOR JUDGE W. EARL BRITT, CIRCUIT JUDGE JAMES A. WYNN, JR. & CHIEF JUDGE WILLIAM L. OSTEEN, JR. Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WOJEP(Welch, Kelly) (Entered: 08/23/2017)
08/28/2017	83	Suggestion of Subsequently Decided Authority by Defendants PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE,

Date Filed	#	Docket Text
		ROBERT A. RUCHO, PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO. (Attachments: # 1 Exhibit Benisek et al v. Lamone et al. (D. Md. Aug. 24, 2017)) Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP(STRACH, PHILLIP) (Entered: 08/28/2017)
08/29/2017		Minute Entry for proceedings held before SENIOR JUDGE W. EARL BRITT, CIRCUIT JUDGE JAMES A. WYNN, JR., & (CHIEF JUDGE WILLIAM L. OSTEEN, JR. - participated via telephone conference call) in Raleigh, Courtroom 2: Motion Hearing held on 8/29/2017 re: (Doc. #74 in 1:16cv1026, Doc. #73 in 1:16cv1164) MOTION to Stay filed by TIMOTHY K. MOORE, PHILIP E. BERGER, ROBERT A. RUCHO, DAVID R. LEWIS. Attorneys Edwin Speas, Jr., Emmet Bondurant, Steven Epstein, Annabelle Harless & Anita Earls appeared on behalf of Plaintiffs. Attorneys Alexander Peters, James Bernier, Jr., Michael McKnight & Phillip Strach

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		appeared on behalf of Defendants. The court heard from counsel for the defendants regarding the basis for this motion. The court heard arguments from counsel for the Common Cause plaintiffs and counsel for the League of Women Voters plaintiffs. The Court addressed the reason for the delay of trial previously scheduled for June, 2017. After hearing closing arguments from the parties, the court takes this matter under advisement. (Court Reporter Amy Condon, EDNC.) Associated Cases: 1:16cv1026, 1:16cv1164 (Welch, Kelly) (Entered: 08/29/2017)
08/29/2017	84	ORDER denying (74) Motion to Stay in case 1:16-cv-01026-WO-JEP and denying (73) Motion to Stay in case 1:16-cv-01164-WO-JEP. A written opinion will follow. Signed by JUDGE W. EARL BRITT on 8/29/2017. Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP (Marsh, Keah) (Entered: 08/29/2017)
09/01/2017	85	Transcript of Motion Hearing Proceedings held on 08/29/2017,

Date Filed	#	Docket Text
		before Judge WILLIAM L. OSTEEN, JR., Judge W. EARL BRITT, and Judge JAMES A. WYNN, JR. * * * Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP. Court Reporter: Amy M. Condon, Raleigh, NC (Taylor, Abby) (Entered: 09/01/2017)
09/08/2017	86	MEMORANDUM OPINION - Circuit Judge Wynn, Jr., wrote the opinion in which Senior District Judge Britt joined. Chief District Judge Osteen, Jr. concurred. Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP (Garland, Leah) (Entered: 09/08/2017)
09/11/2017	87	NOTICE OF HEARING: Bench Trial set for 10/16/2017 09:00 AM in Greensboro Courtroom #1 before CHIEF JUDGE WILLIAM L. OSTEEN JR., CIRCUIT JUDGE JAMES A. WYNN, JR., SENIOR JUDGE W. EARL BRITT (Associated Cases: 1:16-cv- 01026-WO-JEP, 1:16-cv-01164-WO-JEP) (Welch, Kelly) (Entered: 09/11/2017)

Date Filed	#	Docket Text
09/11/2017	88	NOTICE of Trial Calendar: Bench Trial set for 10/16/2017 09:00 AM in Greensboro Courtroom #1 before CHIEF JUDGE WILLIAM L. OSTEEN JR., CIRCUIT JUDGE JAMES A. WYNN, JR., SENIOR JUDGE W. EARL BRITT Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP(Welch, Kelly) (Entered: 09/11/2017)
09/11/2017		Set/Reset Deadlines/Hearings: Bench Trial set for 10/16/2017 09:00 AM in Greensboro Courtroom #1 before CHIEF JUDGE WILLIAM L. OSTEEN JR., CIRCUIT JUDGE JAMES A. WYNN, JR., SENIOR JUDGE W. EARL BRITT. Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP (Welch, Kelly) (Entered: 09/11/2017)
10/04/2017	89	FINAL PRETRIAL ORDER signed by CHIEF JUDGE WILLIAM L. OSTEEN, JR on 10/04/2017 as set out herein. Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP(Taylor, Abby) (Entered: 10/04/2017)

Date Filed	#	Docket Text
10/09/2017	90	Proposed Exhibit List *Amended* by WILLIAM COLLINS, ELLIOTT FELDMAN, CAROL FAULKNER FOX, LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA, ANNETTE LOVE, MARIA PALMER, GUNTHER PECK, ERSLA PHELPS, JOHN QUINN, III, AARON SARVER, JANIE SMITH SUMPTER, ELIZABETH TORRES EVANS, WILLIS WILLIAMS. (Attachments: # 1 Exhibit LWV Plaintiffs' Exhibit List) Associated Cases: 1:16-cv-01164-WO-JEP, 1:16-cv-01026-WOJEP(EARLS, ANITA) (Entered: 10/09/2017)
10/09/2017	91	MOTION to Bifurcate *Trial Testimony of Jowei Chen* by WILLIAM COLLINS, ELLIOTT FELDMAN, CAROL FAULKNER FOX, LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA, ANNETTE LOVE, MARIA PALMER, GUNTHER PECK, ERSLA PHELPS, JOHN QUINN, III, AARON SARVER, JANIE SMITH SUMPTER, ELIZABETH TORRES EVANS, WILLIS WILLIAMS. Response

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		to Motion due by 10/30/2017 (Attachments: # 1 Text of Proposed Order) Associated Cases: 1:16-cv-01164- WO-JEP, 1:16-cv-01026-WO-JEP(EARLS, ANITA) (Entered: 10/09/2017)
10/09/2017	92	MEMORANDUM filed by Plaintiffs WILLIAM COLLINS, ELLIOTT FELDMAN, CAROL FAULKNER FOX, LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA, ANNETTE LOVE, MARIA PALMER, GUNTHER PECK, ERSLA PHELPS, JOHN QUINN, III, AARON SARVER, JANIE SMITH SUMPTER, ELIZABETH TORRES EVANS, WILLIS WILLIAMS re (92 in 1:16-cv-01026-WOJEP) MOTION to Bifurcate *Trial Testimony of Jowei Chen* filed by WILLIAM COLLINS, ELLIOTT FELDMAN, CAROL FAULKNER FOX, LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA, ANNETTE LOVE, MARIA PALMER, GUNTHER PECK, ERSLA PHELPS, JOHN QUINN, III, AARON SARVER, JANIE SMITH SUMPTER,

Date Filed	#	Docket Text
		ELIZABETH TORRES EVANS, WILLIS WILLIAMS. Associated Cases: 1:16-cv-01164-WO-JEP, 1:16-cv-01026-WO-JEP(EARLS, ANITA) (Entered: 10/09/2017)
10/09/2017	93	Proposed Exhibit List *Amended* by DOUGLAS BERGER, ALICE L. BORDSEN, CYNTHIA S. BOYLAN, COY E. BREWER, JR, JONES P. BYRD, COMMON CAUSE, WILLIAM H. FREEMAN, JOHN W. GRESHAM, LARRY D. HALL, MORTON LURIE, MELZER A. MORGAN, JR, JOHN MORRISON McNEILL, NORTH CAROLINA DEMOCRATIC PARTY, CHERYL LEE TAFT, RICHARD TAFT, RUSSELL G. WALKER, JR, ROBERT WARREN WOLF. (Attachments: # 1 Ex A - Joint Joint Trial Exhibit List, # 2 Ex B - Joint Plaintiffs' Trial Exhibit List, # 3 Ex C - Common Cause Plfs' Trial Exhibit List) Associated Cases: 1:16-cv-01026-WO-JEP, 1:16- cv-01164-WO-JEP(SPEAS, EDWIN) (Entered: 10/09/2017)

Date Filed	#	Docket Text
10/09/2017	94	Proposed Exhibit List *Amended* by PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, STATE OF NORTH CAROLINA, THE NORTH CAROLINA STATE BOARD OF ELECTIONS, A. GRANT WHITNEY, JR, PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, THE STATE OF NORTH CAROLINA, A. GRANT WHITNEY, JR. (Attachments: # 1 Exhibit Defendants Amended Trial Exhibits List) Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP(MCKNIGHT, MICHAEL) (Entered: 10/09/2017)
10/10/2017		Motions Submitted: (91 in 1:16cv1164, 92 in 1:16cv1026) MOTION to Bifurcate Trial Testimony of Jowei Chen to CHIEF JUDGE WILLIAM L. OSTEEN, JR. Associated Cases: 1:16cv1026, 1:16cv1164(Kemp, Donita) (Entered: 10/10/2017)
10/10/2017	95	AMENDED DOCUMENT by PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE,

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		ROBERT A. RUCHO, STATE OF NORTH CAROLINA, THE NORTH CAROLINA STATE BOARD OF ELECTIONS, A. GRANT WHITNEY, JR, PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, THE STATE OF NORTH CAROLINA, A. GRANT WHITNEY, JR. Amendment to (58 in 1:16-cv-01164-WO-JEP, 59 in 1:16-cv-01026-WO-JEP) Final Pretrial Disclosures,, *Defendants' Corrected Designations of Deposition Testimony*. Associated Cases: 1:16-cv- 01026-WO-JEP, 1:16-cv-01164-WO-JEP(MCKNIGHT, MICHAEL) (Entered: 10/10/2017)
10/13/2017	96	STATEMENT (*League Plaintiffs' Opening Statement*) by Plaintiffs WILLIAM COLLINS, ELLIOTT FELDMAN, CAROL FAULKNER FOX, LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA, ANNETTE LOVE, MARIA PALMER, GUNTHER PECK, ERSLA PHELPS, JOHN QUINN, III, AARON SARVER,

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		JANIE SMITH SUMPTER, ELIZABETH TORRES EVANS, WILLIS WILLIAMS. Associated Cases: 1:16-cv-01164-WO-JEP, 1:16-cv-01026-WO-JEP(EARLS, ANITA) (Entered: 10/13/2017)
10/13/2017	97	STATEMENT re (89 in 1:16-cv-01164-WO-JEP, 90 in 1:16-cv-01026-WO-JEP) Final Pretrial Order *(Opening Statement on Behalf of the Common Cause Plaintiffs)* by Plaintiffs DOUGLAS BERGER, ALICE L. BORDSEN, CYNTHIA S. BOYLAN, COY E. BREWER, JR, JONES P. BYRD, COMMON CAUSE, WILLIAM H. FREEMAN, JOHN W. GRESHAM, LARRY D. HALL, MORTON LURIE, MELZER A. MORGAN, JR, JOHN MORRISON McNEILL, NORTH CAROLINA DEMOCRATIC PARTY, CHERYL LEE TAFT, RICHARD TAFT, RUSSELL G. WALKER, JR, ROBERT WARREN WOLF. Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WOJEP(SPEAS, EDWIN) (Entered: 10/13/2017)

Date Filed	#	Docket Text
10/13/2017	98	STATEMENT by Defendants PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO. Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv- 01164-WO-JEP(STRACH, PHILLIP) (Entered: 10/13/2017)
10/13/2017	99	NOTICE by PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, STATE OF NORTH CAROLINA, THE NORTH CAROLINA STATE BOARD OF ELECTIONS, PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, THE STATE OF NORTH CAROLINA, A. GRANT WHITNEY, JR *of Filing of Combined Deposition Designations and Counter-Designations* (Attachments: # 1 Exhibit 1 - Annette Love Deposition, # 2 Exhibit 2- Larry Hall Deposition, # 3 Exhibit 3 - Gunther Peck Deposition, # 4 Exhibit 4 - Faulkner Fox Deposition, # 5 Exhibit 5 -

Date Filed	#	Docket Text
		William Collins Deposition, # 6 Exhibit 6 - Willis Williams Deposition, # 7 Exhibit 7 - Elizabeth Evans Deposition, # 8 Exhibit 8 - Douglas Berger Deposition, # 9 Exhibit 9 Ersla Phelps Depositions, # 10 Exhibit 10 - Richard Taft Deposition, # 11 Exhibit 11 - Cheryl Taft Deposition, # 12 Exhibit 12 - Morton Lurie Deposition, # 13 Exhibit 13 - Maria Palmer Deposition, # 14 Exhibit 14 - William Freeman Deposition, # 15 Exhibit 15 - Alice Bordsen Deposition, # 16 Exhibit 16 Merlzer Morgan Deposition, # 17 Exhibit 17 - Cynthia Boylan Deposition, # 18 Exhibit 18 - Coy Brewer Deposition, # 19 Exhibit 19 - John McNeill Deposition, # 20 Exhibit 20 - Elliott Feldman Deposition, # 21 Exhibit 21 - Robert Wolf Deposition, # 22 Exhibit 22 - John Quinn Deposition, # 23 Exhibit 23 - Aaron Sarver Deposition, # 24 Exhibit 24 - Jones Byrd Deposition, # 25 Exhibit 25 - John Gresham Deposition, # 26 Exhibit 26 - Janie Sumpter Deposition, # 27 Exhibit 27 - Russell Walker

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		Deposition, # 28 Exhibit 28 - Mary Klenz Deposition, # 29 Exhibit 29 - Bob Phillips Deposition, # 30 Exhibit 30 - Wayne Goodwin Deposition, # 31 Exhibit 31 - William Gilkeson Deposition, # 32 Exhibit 32 - Robert Rucho Deposition, # 33 Exhibit 33 - David Lewis Deposition, # 34 Exhibit 34 - Thomas Hofeller Deposition, # 35 Exhibit 35 - James Gimpel Deposition, # 36 Exhibit 36 - M.V. Hood Deposition, # 37 Exhibit 37 - Sean Trende Deposition) Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP(MCKNIGHT, MICHAEL) (Entered: 10/13/2017)
10/15/2017	100	Proposed Exhibit List *Second Amended* by WILLIAM COLLINS, ELLIOTT FELDMAN, CAROL FAULKNER FOX, LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA, ANNETTE LOVE, MARIA PALMER, GUNTHER PECK, ERSLA PHELPS, JOHN QUINN, III, AARON SARVER, JANIE SMITH SUMPTER,

Date Filed	#	Docket Text
		ELIZABETH TORRES EVANS, WILLIS WILLIAMS. Associated Cases: 1:16-cv-01164-WO-JEP, 1:16-cv-01026-WO-JEP(HARLESS, ANNABELLE) (Entered: 10/15/2017)
10/16/2017		Minute Entry for proceedings held before CHIEF JUDGE WILLIAM L. OSTEEN, JR., SENIOR JUDGE W. EARL BRITT, CIRCUIT JUDGE JAMES A. WYNN, JR. Bench Trial (Day 1) held on 10/16/2017: Attorneys Edwin Speas, Jr., Emmet Bondurant, Benjamin Thorpe, Steven B. Epstein, Peter Nelson and Caroline Mackie appeared on behalf of Plaintiffs Common Cause, et al.; Attorneys Anita Earls, Annabelle Harless, Allison Riggs, Ruth Greenwood and Nicholas Stephanopoulos appeared on behalf of Plaintiffs League of Women Voters of North Carolina, et al.; Attorneys Phillip Strach, Michael McKnight, Alexander Peters and James Bernier appeared on behalf of the Defendants. For the reasons stated on the record the Court grants League of

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		Women Voters Motion to Bifurcate Examination of Dr. Jowei Chen (Doc. #92 in case no. 1:16cv1026 & Doc. #91 in case no. 1:16cv1164;) The parties conferred and agreed that all depositions and all deposition exhibits come in the record as addressed in open court; Court accepts the stipulation of the parties. Plaintiffs presented evidence; Trial continued to October 17, 2017 at 9:00 a.m. in Greensboro, Courtroom 1. (See exhibit/witness list) (Court Reporter Joseph Armstrong.) Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv- 01164-WO-JEP(Welch, Kelly) (Entered: 10/16/2017)
10/17/2017		Minute Entry for proceedings held before CHIEF JUDGE WILLIAM L. OSTEEN, JR., SENIOR JUDGE W. EARL BRITT, CIRCUIT JUDGE JAMES A. WYNN, JR. Bench Trial (Day 2) held on 10/17/2017: Attorneys Edwin Speas, Jr., Emmet Bondurant, Benjamin Thorpe, Steven B. Epstein, Peter Nelson and Caroline Mackie appeared on behalf of Plaintiffs Common

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		Cause, et al.; Attorneys Anita Earls, Annabelle Harless, Allison Riggs, Ruth Greenwood and Nicholas Stephanopoulos appeared on behalf of Plaintiffs League of Women Voters of North Carolina, et al.; Attorneys Phillip Strach, Michael McKnight, Alexander Peters and James Bernier appeared on behalf of the Defendants; Plaintiff Common Cause continued with evidence and rested; Plaintiff League of Women Voters of NC presented evidence; Parties agreed not to call witnesses re: exhibits 4022, 4023 & 4024, and will submit a stipulation in writing at the end of the day; Defendant agreed to withdraw its objections relating to those exhibits on the condition that Dr. Hoffler submit a declaration to give his rebuttal. Trial continued to Wednesday, October 18, 2017 at 10:00 a.m. in Greensboro, Courtroom 1. (See exhibit/witness list) (Court Reporter Joseph Armstrong.) Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-

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		WO-JEP(Welch, Kelly) (Entered: 10/17/2017)
10/18/2017		Minute Entry for proceedings held before CHIEF JUDGE WILLIAM L. OSTEEN, JR., SENIOR JUDGE W. EARL BRITT, CIRCUIT JUDGE JAMES A. WYNN, JR. Bench Trial (Day 3) held on 10/18/2017: Attorneys Edwin Speas, Jr., Emmet Bondurant, Benjamin Thorpe and Steven B. Epstein appeared on behalf of Plaintiffs Common Cause, et al.; Attorneys Anita Earls, Annabelle Harless, Allison Riggs, Ruth Greenwood and Nicholas Stephanopoulos appeared on behalf of Plaintiffs League of Women Voters of North Carolina, et al.; Attorneys Phillip Strach, Michael McKnight, Alexander Peters and James Bernier appeared on behalf of the Defendants; Counsel for League of Women Voters of North Carolina produced additional exhibits; Parties to submit a written list to finalize all exhibits not objected to; Both Plaintiffs rest their case in chief; Defendants presented evidence; Trial

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		continued to October 19, 2017 at 8:30 a.m. in Greensboro, Courtroom 1. (Court Reporter Joseph Armstrong.) Associated Cases: 1:16-cv-01026- WO-JEP, 1:16-cv-01164-WO-JEP(Welch, Kelly) (Entered: 10/18/2017)
10/18/2017	101	Proposed Exhibit List *Final* by WILLIAM COLLINS, ELLIOTT FELDMAN, CAROL FAULKNER FOX, LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA, ANNETTE LOVE, MARIA PALMER, GUNTHER PECK, ERSLA PHELPS, JOHN QUINN, III, AARON SARVER, JANIE SMITH SUMPTER, ELIZABETH TORRES EVANS, WILLIS WILLIAMS. Associated Cases: 1:16-cv-01164-WO-JEP, 1:16-cv- 01026-WO-JEP(HARLESS, ANNABELLE) (Entered: 10/18/2017)
10/19/2017	102	Proposed Exhibit List *Final* by DOUGLAS BERGER, ALICE L. BORDSEN, CYNTHIA S. BOYLAN, COY E. BREWER, JR, JONES P. BYRD, COMMON CAUSE, WILLIAM H. FREEMAN, JOHN W.

Date Filed	#	Docket Text
		GRESHAM, LARRY D. HALL, MORTON LURIE, MELZER A. MORGAN, JR, JOHN MORRISON McNEILL, NORTH CAROLINA DEMOCRATIC PARTY, CHERYL LEE TAFT, RICHARD TAFT, RUSSELL G. WALKER, JR, ROBERT WARREN WOLF. (Attachments: # 1 Ex A - Final Joint Joint Trial Exhibit List, # 2 Ex B - Final Joint Plaintiffs' Trial Exhibit List, # 3 Ex C - Final Common Cause Plfs' Trial Exhibit List) Associated Cases: 1:16-cv-01026- WO-JEP, 1:16-cv-01164-WO-JEP(SPEAS, EDWIN) (Entered: 10/19/2017)
10/19/2017		Minute Entry for proceedings held before CHIEF JUDGE WILLIAM L. OSTEEN, JR., SENIOR JUDGE W. EARL BRITT, CIRCUIT JUDGE JAMES A. WYNN, JR. Bench Trial (Day 4) held on 10/19/2017: Attorneys Edwin Speas, Jr., Emmet Bondurant, Benjamin Thorpe, Steven B. Epstein and Caroline Mackie appeared on behalf of Plaintiffs Common Cause, et al.; Attorneys Anita Earls,

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		Annabelle Harless, Allison Riggs, Ruth Greenwood and Nicholas Stephanopoulos appeared on behalf of Plaintiffs League of Women Voters of North Carolina, et al.; Attorneys Phillip Strach, Michael McKnight, Alexander Peters and James Bernier appeared on behalf of the Defendants. Defendants presented evidence; Defendant rests; Evidence concluded; Court admits all stipulated exhibits; Closing Arguments presented by Plaintiffs and Defendants; Post Trial Briefs due 11/6/2017; Court takes matter under advisement. (See Exhibit/Witness list) (Court Reporter Joseph Armstrong.) Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv- 01164-WO-JEP(Welch, Kelly) (Entered: 10/21/2017)
10/24/2017	103	Transcript of Bench Trial Volume I of IV held on 10/16/2017 before Judge William L. Osteen, Jr., Judge W. Earl Britt, and Judge James A. Wynn, Jr. Court Reporter/Transcriber J. Armstrong, Telephone number

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		336-332-6034. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. * * * Redaction Request due 11/17/2017. Redacted Transcript Deadline set for 11/27/2017. Release of Transcript Restriction set for 1/25/2018. Associated Cases: 1:16-cv-01026- WO-JEP, 1:16-cv-01164-WO-JEP(Armstrong, Joe) (Entered: 10/24/2017)
10/24/2017	104	Transcript of Bench Trial Volume II of IV held on 10/17/2017 before Judge William L. Osteen, Jr., Judge W. Earl Britt, and Judge James A. Wynn, Jr. Court Reporter/Transcriber J. Armstrong, Telephone number 336-332-6034. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After

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		that date it may be obtained through PACER. * * * Redaction Request due 11/17/2017. Redacted Transcript Deadline set for 11/27/2017. Release of Transcript Restriction set for 1/25/2018. Associated Cases: 1:16-cv-01026- WO-JEP, 1:16-cv-01164-WO-JEP(Armstrong, Joe) (Entered: 10/24/2017)
10/24/2017	105	Transcript of Bench Trial Volume III of IV held on 10/18/2017 before Judge William L. Osteen, Jr., Judge W. Earl Britt, and Judge James A. Wynn, Jr. Court Reporter/Transcriber J. Armstrong, Telephone number 336-332-6034. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. * * * Redaction Request due 11/17/2017. Redacted Transcript Deadline set for 11/27/2017. Release of

Date Filed	#	Docket Text
		Transcript Restriction set for 1/25/2018. Associated Cases: 1:16-cv-01026- WO-JEP, 1:16-cv-01164-WO-JEP(Armstrong, Joe) (Entered: 10/24/2017)
10/26/2017	106	Transcript of Bench Trial Volume IV of IV held on 10/19/2017 before Judge William L. Osteen, Jr., Judge W. Earl Britt, and Judge James A. Wynn, Jr. Court Reporter/Transcriber J. Armstrong, Telephone number 336-332-6034. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. * * * Redaction Request due 11/20/2017. Redacted Transcript Deadline set for 11/30/2017. Release of Transcript Restriction set for 1/29/2018. Associated Cases: 1:16-cv-01026- WO-JEP, 1:16-cv-01164-WO-JEP (Armstrong, Joe) (Entered: 10/26/2017)

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10/26/2017	107	Marked Exhibit List *Final Amended* by PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, STATE OF NORTH CAROLINA, THE NORTH CAROLINA STATE BOARD OF ELECTIONS, A. GRANT WHITNEY, JR, PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, THE STATE OF NORTH CAROLINA, A. GRANT WHITNEY, JR. (Attachments: # 1 Exhibit Defendants' Final Amended Exhibit List, # 2 Exhibit 5001 (Redacted Declaration of Dr. Thomas Hofeller), # 3 Exhibit 5116 (Second Declaration of Dr. Thomas Hofeller in Response to Declaration of Timothy Stallmann)) Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP(MCKNIGHT, MICHAEL) (Entered: 10/26/2017)
10/27/2017	108	NOTICE by DOUGLAS BERGER, ALICE L. BORDSEN, CYNTHIA S. BOYLAN, COY E. BREWER, JR, JONES P. BYRD,

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		COMMON CAUSE, WILLIAM H. FREEMAN, JOHN W. GRESHAM, LARRY D. HALL, MORTON LURIE, MELZER A. MORGAN, JR, JOHN MORRISON McNEILL, NORTH CAROLINA DEMOCRATIC PARTY, CHERYL LEE TAFT, RICHARD TAFT, RUSSELL G. WALKER, JR, ROBERT WARREN WOLF - *Common Cause Plaintiffs Notice of Filing of Deposition Transcripts* (Attachments: # 1 Attachment 1 - Deposition transcript of Thomas B. Hofeller, taken January 24, 2017, # 2 Attachment 2 - Deposition transcript of Thomas B. Hofeller, taken February 10, 2017, # 3 Attachment 3 - Deposition transcript of Rep. David Lewis, taken January 26, 2017, # 4 Attachment 4 - Deposition transcript of Rep. David Lewis, taken April 28, 2017, # 5 Attachment 5 - Deposition transcript of Sen. Robert A. Rucho, taken January 25, 2017, # 6 Attachment 6 - Deposition transcript of Bob Phillips, taken April 14, 2017,

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		# 7 Attachment 7 - Deposition transcript of George Wayne Goodwin, taken April 17, 2017, # 8 Attachment 8 - Deposition transcript of Coy E. Brewer, Jr., taken April 18, 2017, # 9 Attachment 9 - Deposition transcript of John Morrison McNeill, taken April 5, 2017, # 10 Attachment 10 - Deposition transcript of Jones P. Byrd, taken April 20, 2017) Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv- 01164-WO-JEP(SPEAS, EDWIN) (Entered: 10/27/2017)
11/02/2017	109	NOTICE by PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, STATE OF NORTH CAROLINA, THE NORTH CAROLINA STATE BOARD OF ELECTIONS, A. GRANT WHITNEY, JR, PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, THE STATE OF NORTH CAROLINA, A. GRANT WHITNEY, JR *of Filing of Deposition Transcript* (Attachments: # 1 Exhibit Complete Deposition Transcript

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		of William Gilkeson) Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP(MCKNIGHT, MICHAEL) (Entered: 11/02/2017)
11/06/2017	110	Proposed Findings of Fact and Conclusions of Law by WILLIAM COLLINS, ELLIOTT FELDMAN, CAROL FAULKNER FOX, LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA, ANNETTE LOVE, MARIA PALMER, GUNTHER PECK, ERSLA PHELPS, JOHN QUINN, III, AARON SARVER, JANIE SMITH SUMPTER, ELIZABETH TORRES EVANS, WILLIS WILLIAMS. Associated Cases: 1:16-cv-01164-WO-JEP, 1:16-cv-01026-WO-JEP(GREENWOOD, RUTH) (Entered: 11/06/2017)
11/06/2017	111	TRIAL BRIEF (*Post-Trial*) by Plaintiffs WILLIAM COLLINS, ELLIOTT FELDMAN, CAROL FAULKNER FOX, LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA, ANNETTE LOVE, MARIA PALMER, GUNTHER PECK, ERSLA PHELPS, JOHN

Date Filed	#	Docket Text
		QUINN, III, AARON SARVER, JANIE SMITH SUMPTER, ELIZABETH TORRES EVANS, WILLIS WILLIAMS. Associated Cases: 1:16-cv-01164-WO-JEP, 1:16-cv-01026-WO-JEP(GREENWOOD, RUTH) (Entered: 11/06/2017)
11/06/2017	112	Proposed Findings of Fact and Conclusions of Law by PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO. Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP(STRACH, PHILLIP) (Entered: 11/06/2017)
11/06/2017	113	TRIAL BRIEF by Defendants PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO. Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv- 01164-WO-JEP(STRACH, PHILLIP) (Entered: 11/06/2017)

Date Filed	#	Docket Text
11/06/2017	114	TRIAL BRIEF *(Post-Trial)* by Plaintiffs DOUGLAS BERGER, ALICE L. BORDSEN, CYNTHIA S. BOYLAN, COY E. BREWER, JR, JONES P. BYRD, COMMON CAUSE, WILLIAM H. FREEMAN, JOHN W. GRESHAM, LARRY D. HALL, MORTON LURIE, MELZER A. MORGAN, JR, JOHN MORRISON McNEILL, NORTH CAROLINA DEMOCRATIC PARTY, CHERYL LEE TAFT, RICHARD TAFT, RUSSELL G. WALKER, JR, ROBERT WARREN WOLF. Associated Cases: 1:16-cv- 01026-WO-JEP, 1:16-cv-01164-WO-JEP(SPEAS, EDWIN) (Entered: 11/06/2017)
11/06/2017	115	Proposed Findings of Fact and Conclusions of Law by DOUGLAS BERGER, ALICE L. BORDSEN, CYNTHIA S. BOYLAN, COY E. BREWER, JR, JONES P. BYRD, COMMON CAUSE, WILLIAM H. FREEMAN, JOHN W. GRESHAM, LARRY D. HALL, MORTON LURIE, MELZER A. MORGAN, JR, JOHN MORRISON McNEILL, NORTH CAROLINA

Date Filed	#	Docket Text
		DEMOCRATIC PARTY, CHERYL LEE TAFT, RICHARD TAFT, RUSSELL G. WALKER, JR, ROBERT WARREN WOLF. Associated Cases: 1:16-cv- 01026-WO-JEP, 1:16-cv-01164-WO-JEP(SPEAS, EDWIN) (Entered: 11/06/2017)
01/09/2018	116	MEMORANDUM OPINION. Circuit Judge Wynn wrote the majority opinion in which Senior District Judge Britt concurred. District Judge Osteen, Jr., wrote a separate opinion concurring in part and dissenting in part. Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP(Daniel, J) (Entered: 01/09/2018)
01/11/2018	117	Emergency MOTION to Stay *Pending Supreme Court Review and Request for Expedited Ruling* by PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO. Response to Motion due by 2/1/2018 Associated Cases: 1:16-cv- 01026-WO-JEP, 1:16-cv-01164-WO-

Date Filed	#	Docket Text
		JEP(STRACH, PHILLIP) (Entered: 01/11/2018)
		* * *
01/11/2018	119	ORDER entered by THREE JUDGE COURT PANEL on 01/11/2018. Legislative Defendants have filed a motion to stay (the "Motion") this Court's January 9, 2018, Memorandum Opinion, ECF No. 118 (the "Order"), invalidating North Carolina's 2016 congressional redistricting plan as a partisan gerrymander. Leg. Defs.' Emerg. Mot. to Stay Pending S. Ct. Rev. & Request for Exp. Rul'g, Jan. 11, 2018, ECF No. 119 . Plaintiffs and State Defendants are directed to file any response to the Motion on or before 5 p.m. on January 16, 2018. Defendants' obligations under the Order remain in effect during the pendency of this Motion. Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP(Garland, Leah) (Entered: 01/11/2018)
01/11/2018		Reset Response Deadline re: (119 in 1:16-cv-01026-WO-JEP, 117 in 1:16-cv-01164-WO-JEP)

Date Filed	#	Docket Text
		Emergency MOTION to *Stay Pending Supreme Court Review and Request for Expedited Ruling*: Responses due by 1/16/2018. (See 120 Order in 16CV1026, 119 Order in 16CV1164) Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP (Garland, Leah) (Entered: 01/11/2018)
01/11/2018	120	NOTICE OF APPEAL TO THE SUPREME COURT re (118 in 1:16-cv-01026-WO-JEP, 116 in 1:16-cv-01164-WO-JEP) Memorandum and Opinion, Filing fee $ 5. (STRACH, PHILLIP) Modified on 1/12/2018 to set out that Appeal is to the Supreme Court. (Garland, Leah) (Entered: 01/11/2018)
01/12/2018	121	RESPONSE in Opposition re (117 in 1:16-cv-01164-WO-JEP) Emergency MOTION to Stay *Pending Supreme Court Review and Request for Expedited Ruling* filed by TIMOTHY K. MOORE, PHILIP E. BERGER, ROBERT A. RUCHO, DAVID R. LEWIS - *PLAINTIFFS JOINT BRIEF IN OPPOSITION TO LEGISLATIVE DEFENDANTS*

Date Filed	#	Docket Text
		EMERGENCY MOTION TO STAY PENDING SUPREME COURT REVIEW AND REQUEST FOR EXPEDITED RULING filed by DOUGLAS BERGER, ALICE L. BORDSEN, CYNTHIA S. BOYLAN, COY E. BREWER, JR, JONES P. BYRD, COMMON CAUSE, WILLIAM H. FREEMAN, JOHN W. GRESHAM, LARRY D. HALL, MORTON LURIE, MELZER A. MORGAN, JR, JOHN MORRISON McNEILL, NORTH CAROLINA DEMOCRATIC PARTY, CHERYL LEE TAFT, RICHARD TAFT, RUSSELL G. WALKER, JR, ROBERT WARREN WOLF, WILLIAM COLLINS, ELLIOTT FELDMAN, CAROL FAULKNER FOX, LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA, ANNETTE LOVE, MARIA PALMER, GUNTHER PECK, ERSLA PHELPS, JOHN QUINN, III, AARON SARVER, JANIE SMITH SUMPTER, ELIZABETH TORRES EVANS, WILLIS WILLIAMS. Replies

Date Filed	#	Docket Text
		due by 1/26/2018 Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP(SPEAS, EDWIN) (Entered: 01/12/2018)
01/16/2018	122	MEMORANDUM OPINION AND ORDER DENYING LEGISLATIVE DEFENDANTS' EMERGENCY MOTION TO STAY signed by JUDGE JAMES A. WYNN, JR., JUDGE WILLIAM L. OSTEEN, JR., and JUDGE W. EARL BRITT on 01/16/2018, as set out herein. Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164- WO-JEP (Garland, Leah) (Entered: 01/16/2018)
01/16/2018	123	NOTICE by DOUGLAS BERGER, ALICE L. BORDSEN, CYNTHIA S. BOYLAN, COY E. BREWER, JR, JONES P. BYRD, COMMON CAUSE, WILLIAM H. FREEMAN, JOHN W. GRESHAM, LARRY D. HALL, MORTON LURIE, MELZER A. MORGAN, JR, JOHN MORRISON McNEILL, NORTH CAROLINA DEMOCRATIC PARTY, CHERYL LEE TAFT, RICHARD TAFT, RUSSELL G.

Date Filed	#	Docket Text
		WALKER, JR, ROBERT WARREN WOLF, WILLIAM COLLINS, ELLIOTT FELDMAN, CAROL FAULKNER FOX, LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA, ANNETTE LOVE, MARIA PALMER, GUNTHER PECK, ERSLA PHELPS, JOHN QUINN, III, AARON SARVER, JANIE SMITH SUMPTER, ELIZABETH TORRES EVANS, WILLIS WILLIAMS *Regarding Special Master Submission* Associated Cases: 1:16-cv-01164-WO-JEP, 1:16-cv-01026-WO-JEP(RIGGS, ALLISON) (Entered: 01/16/2018)
06/27/2018	124	ORDER signed by JUDGE JAMES A. WYNN, JR., JUDGE WILLIAM L. OSTEEN, JR., and JUDGE W. EARL BRITT on 06/27/2018, that parties are invited to submit briefing to this Court by 5:00 p.m. on July 11, 2018, addressing four issues as set out. In addressing these questions, the parties should include citations to the record to support their arguments. Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-

Date Filed	#	Docket Text
		WOJEP(Garland, Leah) (Entered: 06/27/2018)
		* * *
07/11/2018	129	*LWV Plaintiffs'* BRIEF re (124 in 1:16-cv-01164-WO-JEP) Order, . (Attachments: # 1 Appendix 1 - Salinger Declaration, # 2 Appendix 2 - Supplemental Chen Declaration - Part 1, # 3 Appendix 2- Supplemental Chen Declaration - Part 2, # 4 Appendix 2 - Supplemental Chen Declaration - Part 3, # 5 Appendix 2- Supplemental Chen Declaration - Part 4, # 6 Appendix 2- Supplemental Chen Declaration - Part 5, # 7 Appendix 2 - Supplemental Chen Declaration - Part 6, # 8 Appendix 2 - Supplemental Chen Declaration - Part 7, # 9 Appendix 2 - Supplemental Chen Declaration - Part 8, # 10 Appendix 2 - Supplemental Chen Declaration - Part 9, # 11 Appendix 2 - Supplemental Chen Declaration - Part 10, # 12 Appendix 2 - Supplemental Chen Declaration - Part 11, # 13 Appendix 2 - Supplemental Chen Declaration - Part 12, # 14 Appendix 2 -

Date Filed	#	Docket Text
		Supplemental Chen Declaration - Part 13, # 15 Appendix 2 - Supplemental Chen Declaration - Part 14, # 16 Appendix 3 - Additional Proposed FoF/CoLs) Associated Cases: 1:16-cv-01164-WO-JEP, 1:16-cv-01026-WO-JEP(RIGGS, ALLISON) (Entered: 07/11/2018)
07/11/2018	130	RESPONSE *of the State Defendants to the June 27, 2018 Order* filed by THE NORTH CAROLINA STATE BOARD OF ELECTIONS, THE STATE OF NORTH CAROLINA, A. GRANT WHITNEY, JR. Replies due by 7/25/2018 (BERNIER, JAMES) (Entered: 07/11/2018)
07/11/2018	131	RESPONSE re (124 in 1:16-cv-01164-WO-JEP, 125 in 1:16-cv-01026-WO-JEP) Order, *by the Legislative Defendants* filed by PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO. Replies due by 7/25/2018 Associated Cases: 1:16-cv-01026-WO-JEP, 1:13-cv-00949-WO-JEP, 1:16-

Date Filed	#	Docket Text
		cv-01164- WO-JEP(STRACH, PHILLIP) (Entered: 07/11/2018)
07/12/2018		CASE REFERRED re: (Doc. 130 in 1:16cv1026) Response, (Doc. 131 in 1:16cv1026) Response, (Doc. 129 in 1:16cv1026) Brief, (Doc. 128 in 1:16cv1026) Response, to JUDGE WILLIAM L. OSTEEN, JR. Associated Cases: 1:16cv1164, 1:16cv1026 (Welch, Kelly) (Entered: 07/12/2018)
07/13/2018	132	SUPREME COURT ORDER: The judgment is vacated, and the case is remanded to the United States District Court for the Middle District of North Carolina for further consideration in light of *Gill V. Whitford*, 585 U.S.____(2018). (Entered at the Supreme Court on June 25, 2018) (Supreme Court case number: 17-1295) (Attachments: # 1 Envelope - Front and Back) (Garland, Leah) (Entered: 07/13/2018)
07/16/2018	133	ORDER signed by JUDGE JAMES A. WYNN, JR., JUDGE WILLIAM L. OSTEEN, JR., and JUDGE W. EARL BRITT on 07/16/2018, that Plaintiffs shall (1) provide Defendants with any

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		previously undisclosed data or evidence underlying the declarations on or before July 19, 2018, and (2) make Dr. Chen and Mr. Salinger available for deposition by Legislative Defendants regarding the statements and analyses included in their declarations at a mutually agreeable time prior to or on July 31, 2018. FURTHER ORDERED that the parties submit briefing to this Court on or before August 7, 2018, addressing whether based on the existing record, the proffered declarations by Dr. Chen and Mr. Salinger, and any additional deposition testimony by Dr. Chen and Mr. Salinger any, some, or all Plaintiffs have standing to assert a vote dilution claim under the Equal Protection Clause. Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WOJEP(Garland, Leah) (Entered: 07/16/2018)
07/17/2018	134	RESPONSE re (133 in 1:16-cv-01164-WO-JEP) Order,,, filed by PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO,

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		PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO. Replies due by 7/31/2018 Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WOJEP(STRACH, PHILLIP) (Entered: 07/17/2018)
07/18/2018	135	ORDER signed by JUDGE JAMES A. WYNN, JR., JUDGE WILLIAM L. OSTEEN, JR., JUDGE W. EARL BRITT on 07/18/2018, to the extent, Legislative Defendants maintain this court is without jurisdiction until July 20, 2018, the parties may consider this order as continually entered until that date. Plaintiffs have until 5:00 p.m. on July 20, 2018 to turn over to Defendants any previously undisclosed data or evidence underlying the declarations. The remaining deadlines established in the continuing July 16 Order remain in effect, all of which post-date July 20, 2018, and provide the parties with ample time to depose Dr. Chen and Mr. Salinger regarding the statements and analyses included in their proffered

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		declarations and prepare additional briefing based on those declarations and depositions. Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WOJEP(Garland, Leah) (Entered: 07/18/2018)
07/30/2018	136	SUPREME COURT JUDGMENT: It is ordered and adjudged by this Court that the judgment of the above court is vacated with costs, and the case is remanded to the United States District Court for the Middle District of North Carolina for further consideration in light of *Gill v. Whitford*, 585 U.S. ___(2018). (Signed at the Supreme Court on June 25, 2018) (Supreme Court case number: 17-1295) (Attachments: # 1 Envelope - Front and Back)(Garland, Leah) (Entered: 07/30/2018)
08/07/2018	137	***Brief of the Common Cause Plaintiffs in Response to Order of July 16, 2018*** - BRIEF re (133 in 1:16-cv-01026-WO-JEP, 133 in 1:16-cv-01164-WO-JEP) Order,,, . (Attachments: # 1 Exhibit A - Deposition of Dr. Jowei Chen) Associated Cases:

Date Filed	#	Docket Text
		1:16-cv-01026-WOJEP, 1:16-cv-01164-WO-JEP(SPEAS, EDWIN) (Entered: 08/07/2018)
08/07/2018	138	*LWV Plaintiffs'* BRIEF re (133 in 1:16-cv-01026-WO-JEP, 133 in 1:16-cv-01164-WOJEP) Order,,, by Plaintiffs WILLIAM COLLINS, ELLIOTT FELDMAN, CAROL FAULKNER FOX, LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA, ANNETTE LOVE, MARIA PALMER, GUNTHER PECK, ERSLA PHELPS, JOHN QUINN, III, AARON SARVER, JANIE SMITH SUMPTER, ELIZABETH TORRES EVANS, WILLIS WILLIAMS filed by WILLIAM COLLINS, ELLIOTT FELDMAN, CAROL FAULKNER FOX, LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA, ANNETTE LOVE, MARIA PALMER, GUNTHER PECK, ERSLA PHELPS, JOHN QUINN, III, AARON SARVER, JANIE SMITH SUMPTER, ELIZABETH TORRES EVANS, WILLIS WILLIAMS. (Attachments: # 1 Appendix 1 - Salinger Dep. Excerpt)

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		Associated Cases: 1:16-cv-01164-WO-JEP, 1:16-cv-01026-WOJEP(RIGGS, ALLISON) (Entered: 08/07/2018)
08/07/2018	139	BRIEF re (133 in 1:16-cv-01026-WO-JEP, 133 in 1:16-cv-01164-WO-JEP) Order,,, by Defendants PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO filed by PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO. (Attachments: # 1 Exhibit A - Salinger Deposition Transcript, # 2 Exhibit B - Chen Deposition Transcript, # 3 Exhibit Chen Deposition Exhibit 14, # 4 Exhibit Chen Deposition Exhibit 15, # 5 Exhibit C - Trende Report, # 6 Exhibit D - Hood Report) Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164- WO-JEP(STRACH, PHILLIP) (Entered: 08/07/2018)

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08/09/2018	140	Corrected document re (139 in 1:16-cv-01164-WO-JEP, 140 in 1:16-cv-01026-WO-JEP) Brief,,. (Attachments: # 1 Exhibit -1, # 2 Exhibit -2, # 3 Exhibit -3, # 4 Exhibit -4, # 5 Exhibit -5, # 6 Exhibit -6) Associated Cases: 1:16-cv-01164-WO-JEP, 1:16-cv-01026- WO-JEP(STRACH, PHILLIP) (Entered: 08/09/2018)
08/27/2018	141	**MEMORANDUM OPINION.** WYNN, Circuit Judge, wrote the opinion, in which BRITT, Senior District Judge, concurred. OSTEEN, JR., District Judge, concurs in part and dissents in part. Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WOJEP(Marsh, Keah) (Entered: 08/27/2018)
08/29/2018	142	NOTICE by DOUGLAS BERGER, ALICE L. BORDSEN, CYNTHIA S. BOYLAN, COY E. BREWER, JR, JONES P. BYRD, COMMON CAUSE, WILLIAM H. FREEMAN, JOHN W. GRESHAM, LARRY D. HALL, MORTON LURIE, MELZER A. MORGAN, JR, JOHN MORRISON McNEILL, NORTH CAROLINA

Date Filed	#	Docket Text
		DEMOCRATIC PARTY, CHERYL LEE TAFT, RICHARD TAFT, RUSSELL G. WALKER, JR, ROBERT WARREN WOLF, WILLIAM COLLINS, ELLIOTT FELDMAN, CAROL FAULKNER FOX, LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA, ANNETTE LOVE, MARIA PALMER, GUNTHER PECK, ERSLA PHELPS, JOHN QUINN, III, AARON SARVER, JANIE SMITH SUMPTER, ELIZABETH TORRES EVANS, WILLIS WILLIAMS re (141 in 1:16-cv-01164-WO-JEP) Memorandum and Opinion, *of Consultation re: Special Master* Associated Cases: 1:16-cv-01164-WO-JEP, 1:16-cv-01026-WO-JEP(RIGGS, ALLISON) (Entered: 08/29/2018)
08/31/2018	143	***Memorandum Regarding Remedies from the Common Cause and League of Women Voters Plaintiffs*** - BRIEF re (141 in 1:16-cv-01164-WO-JEP) Memorandum and Opinion, by Plaintiffs DOUGLAS BERGER, ALICE L. BORDSEN, CYNTHIA S. BOYLAN, COY E.

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		BREWER, JR, JONES P. BYRD, COMMON CAUSE, WILLIAM H. FREEMAN, JOHN W. GRESHAM, LARRY D. HALL, MORTON LURIE, MELZER A. MORGAN, JR, JOHN MORRISON McNEILL, NORTH CAROLINA DEMOCRATIC PARTY, CHERYL LEE TAFT, RICHARD TAFT, RUSSELL G. WALKER, JR, ROBERT WARREN WOLF, WILLIAM COLLINS, ELLIOTT FELDMAN, CAROL FAULKNER FOX, LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA, ANNETTE LOVE, MARIA PALMER, GUNTHER PECK, ERSLA PHELPS, JOHN QUINN, III, AARON SARVER, JANIE SMITH SUMPTER, ELIZABETH TORRES EVANS, WILLIS WILLIAMS filed by DOUGLAS BERGER, ALICE L. BORDSEN, CYNTHIA S. BOYLAN, COY E. BREWER, JR, JONES P. BYRD, COMMON CAUSE, WILLIAM H. FREEMAN, JOHN W. GRESHAM, LARRY D. HALL, MORTON LURIE, MELZER A.

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		MORGAN, JR, JOHN MORRISON McNEILL, NORTH CAROLINA DEMOCRATIC PARTY, CHERYL LEE TAFT, RICHARD TAFT, RUSSELL G. WALKER, JR, ROBERT WARREN WOLF, WILLIAM COLLINS, ELLIOTT FELDMAN, CAROL FAULKNER FOX, LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA, ANNETTE LOVE, MARIA PALMER, GUNTHER PECK, ERSLA PHELPS, JOHN QUINN, III, AARON SARVER, JANIE SMITH SUMPTER, ELIZABETH TORRES EVANS, WILLIS WILLIAMS. (Attachments: # 1 Exhibit A - Second Declaration of Kim Westbrook Strach from Covington v. North Carolina, # 2 Exhibit B - N.C. Election Board's Response to Petitions for Writ of Supersedeas or Prohibition in Cooper v. Berger, No. 367P18 (N.C. Aug. 29, 2018), # 3 Exhibit C - Judgment in Covington v. North Carolina) Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-

Date Filed	#	Docket Text
		WO-JEP(SPEAS, EDWIN) (Entered: 08/31/2018)
08/31/2018	144	NOTICE OF APPEAL TO THE SUPREME COURT re: (141 in 1:16-cv-01164-WOJEP, 142 in 1:16-cv-01026-WO-JEP) Memorandum and Opinion, Filing fee $ 5, receipt number 0418-2418982. (STRACH, PHILLIP) (Entered: 08/31/2018)
08/31/2018	145	Emergency MOTION to Stay *Pending Supreme Court Review and Request for Expedited Ruling* by PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO. Response to Motion due by 9/21/2018 Associated Cases: 1:16-cv- 01026-WO-JEP, 1:16-cv-01164-WO-JEP(STRACH, PHILLIP) (Entered: 08/31/2018)
08/31/2018	146	MEMORANDUM IN SUPPORT OF EMERGENCY MOTION TO STAY (146 in 1:16- cv-01026-WO-JEP, 145 in 1:16-cv-01164-WO-JEP) AND IN RESPONSE TO THE COURT'S ORDER OF AUGUST 27, 2018 (141 in 1:16-

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		cv-01164-WO-JEP, 142 in 1:16-cv-01026-WO-JEP) filed by PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, Replies due by 9/14/2018 (Attachments: # 1 Exhibit 1 - Wall Street Journal Article, # 2 Exhibit 2 - Declaration of Carter Wrenn, # 3 Exhibit 3 - Campaign Finance Summary for N.C. Congressional Candidates Through Second Quarter Reports, # 4 Exhibit 4 - State Board of Elections Memo of August 29, 2018, # 5 Exhibit 5 - Second Declaration of Kim Strach in Covington v. State of North Carolina, # 6 Exhibit 6 - Shaw v. Hunt Order of July 30, 1996) Associated Cases: 1:16-cv-01026- WO-JEP, 1:16-cv-01164-WO-JEP(STRACH, PHILLIP) Modified on 9/4/2018 to edit title of document (Welch, Kelly). (Entered: 08/31/2018)
08/31/2018	147	STATE DEFENDANTS' BRIEF ON POSSIBLE REMEDIES filed by Defendants PATRICK MCCRORY, STATE OF NORTH CAROLINA, THE NORTH CAROLINA STATE BOARD OF ELECTIONS, A.

Date Filed	#	Docket Text
		GRANT WHITNEY, JR, Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP(BERNIER, JAMES) (Entered: 08/31/2018)
09/04/2018	148	COMMON CAUSE PLAINTIFFS' BRIEF IN RESPONSE TO LEGISLATIVE DEFENDANTS' EMERGENCY MOTION TO STAY PENDING SUPREME COURT REVIEW AND REQUEST FOR EXPEDITED RULING (146 in 1:16-cv-01026-WOJEP, 145 in 1:16-cv-01164-WO-JEP) filed by DOUGLAS BERGER, ALICE L. BORDSEN, CYNTHIA S. BOYLAN, COY E. BREWER, JR, JONES P. BYRD, COMMON CAUSE, WILLIAM H. FREEMAN, JOHN W. GRESHAM, LARRY D. HALL, MORTON LURIE, MELZER A. MORGAN, JR, JOHN MORRISON McNEILL, NORTH CAROLINA DEMOCRATIC PARTY, CHERYL LEE TAFT, RICHARD TAFT, RUSSELL G. WALKER, JR, ROBERT WARREN WOLF. Replies due by 9/18/2018 Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-

Date Filed	#	Docket Text
		cv-01164-WO-JEP(SPEAS, EDWIN) (Entered: 09/04/2018)
09/04/2018	149	**ORDER** signed by JUDGE JAMES A. WYNN, JR., JUDGE WILLIAM L. OSTEEN, JR., JUDGE W. EARL BRITT on 09/04/2018 as set out herein. Associated Cases: 1:16- cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP (Garland, Leah) (Entered: 09/04/2018)
09/05/2018	150	RESPONSE in Opposition re (146 in 1:16-cv-01026-WO-JEP) Emergency MOTION to Stay *Pending Supreme Court Review and Request for Expedited Ruling* filed by TIMOTHY K. MOORE, PHILIP E. BERGER, ROBERT A. RUCHO, DAVID R. LEWIS filed by WILLIAM COLLINS, ELLIOTT FELDMAN, CAROL FAULKNER FOX, LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA, ANNETTE LOVE, MARIA PALMER, GUNTHER PECK, ERSLA PHELPS, JOHN QUINN, III, AARON SARVER, JANIE SMITH SUMPTER, ELIZABETH TORRES EVANS, WILLIS WILLIAMS. Replies

Date Filed	#	Docket Text
		due by 9/12/2018 Associated Cases: 1:16-cv-01164-WO-JEP, 1:16- cv-01026-WO-JEP(GREENWOOD, RUTH) (Entered: 09/05/2018)
09/05/2018	151	RESPONSE re (149 in 1:16-cv-01164-WO-JEP, 150 in 1:16-cv-01026-WO-JEP) Order - *Response of the Common Cause Plaintiffs to the Court's Order of September 4, 2018* filed by DOUGLAS BERGER, ALICE L. BORDSEN, CYNTHIA S. BOYLAN, COY E. BREWER, JR, JONES P. BYRD, COMMON CAUSE, WILLIAM H. FREEMAN, JOHN W. GRESHAM, LARRY D. HALL, MORTON LURIE, MELZER A. MORGAN, JR, JOHN MORRISON McNEILL, NORTH CAROLINA DEMOCRATIC PARTY, CHERYL LEE TAFT, RICHARD TAFT, RUSSELL G. WALKER, JR, ROBERT WARREN WOLF. Replies due by 9/19/2018 Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP(SPEAS, EDWIN) (Entered: 09/05/2018)

Date Filed	#	Docket Text
09/05/2018	152	RESPONSE filed by Defendants PATRICK MCCRORY, STATE OF NORTH CAROLINA, THE NORTH CAROLINA STATE BOARD OF ELECTIONS, A. GRANT WHITNEY, JR, THE NORTH CAROLINA STATE BOARD OF ELECTIONS, THE STATE OF NORTH CAROLINA, A. GRANT WHITNEY, JR re (145 in 1:16-cv-01164-WO-JEP) Emergency MOTION to Stay *Pending Supreme Court Review and Request for Expedited Ruling* filed by TIMOTHY K. MOORE, PHILIP E. BERGER, ROBERT A. RUCHO, DAVID R. LEWIS filed by PATRICK MCCRORY, STATE OF NORTH CAROLINA, THE NORTH CAROLINA STATE BOARD OF ELECTIONS, A. GRANT WHITNEY, JR, THE STATE OF NORTH CAROLINA, A. GRANT WHITNEY, JR. Replies due by 9/19/2018 Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164- WO-JEP(BERNIER, JAMES) (Entered: 09/05/2018)
09/05/2018		CASE REFERRED re: (Documents 151, 152 & 153 in

Date Filed	#	Docket Text
		1:16cv1026 and Documents 150, 151 & 152 in 1:16cv1164) Responses to the Court's Order dated September 4, 2018, to JUDGE WILLIAM L. OSTEEN, JR. (Welch, Kelly) (Entered: 09/05/2018)
09/05/2018	153	REPLY, filed by Defendants PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, to Response to (74 in 1:16-cv-01026-WO-JEP, 73 in 1:16-cv-01164-WO-JEP) MOTION to Stay filed by PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO, PHILIP E. BERGER, DAVID R. LEWIS, TIMOTHY K. MOORE, ROBERT A. RUCHO. Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv-01164-WO-JEP(STRACH, PHILLIP) (Entered: 09/05/2018)
09/12/2018	154	**ORDER** signed by JUDGE JAMES A. WYNN, JR., JUDGE WILLIAM L. OSTEEN, JR., JUDGE W. EARL BRITT on

Date Filed	#	Docket Text
		09/12/2018 granting 146 Motion to Stay (145 Motion to Stay in case 1:16-cv-01164). Associated Cases: 1:16-cv-01026-WO-JEP, 1:16-cv- 01164-WO-JEP (Garland, Leah) (Entered: 09/12/2018)

First Amended Complaint for Declaratory Judgment and Injunctive Relief
***Common Cause v. Rucho*, No. 16-cv-01026, (M.D.N.C. Sept. 7, 2016) (ECF 12)**

Plaintiffs, with Defendants' consent, amend their Complaint as follows:

INTRODUCTION

1. This is an action to declare the North Carolina 2016 Congressional Redistricting Plan (N.C. Sess. Law 2016-1) ("the 2016 Plan") as a whole, and each of the thirteen congressional districts created by that Plan, to be unconstitutional partisan gerrymanders that violate the First Amendment (Count I), the Equal Protection Clause of the Fourteenth Amendment (Count II), and Article I, section 2 of the Constitution of the United States (Count III), and also to declare that in adopting the 2016 Plan the legislature exceeded the authority granted by Article I, section 4 of the U.S. Constitution, which provides that state legislatures "determine the times, places and manner of election" of members of the U.S. House of Representatives (Count IV).

THE PARTIES

2. The plaintiffs are:

(a) Common Cause, on its own behalf and on behalf of its members who are citizens of North Carolina and are registered Democratic voters, whose votes in congressional elections have been diluted or nullified as a result of the unconstitutional gerrymander by the 2016 Plan of North Carolina's thirteen congressional districts. Common Cause is a non-profit corporation organized and existing under

the laws of the District of Columbia. It is a nonpartisan democracy organization with over 450,000 members and local organizations in 35 states, including North Carolina. Since its founding by John Gardner in 1970, Common Cause has been dedicated to fair elections and making government at all levels more representative, open and responsive to the interests of ordinary people. "For the past twenty-five years, Common Cause has been one of the leading proponents of redistricting reform." Jonathan Winburn, The Realities of Redistricting p. 205 (2008).

(b) Gerrymandering is not a partisan issue that favors one party or another. Gerrymanders have been used by both Democrats and Republicans to entrench their power almost since the founding of this Nation. Whether done by Democrats or Republicans, partisan gerrymanders are antithetical to our democracy. Common Cause is at the forefront of efforts to combat gerrymandering, no matter what party is responsible, in the belief that when election districts are created in a fair and neutral way, the People will be able to elect representatives who truly represent them. To that end, Common Cause has organized and led the coalitions that secured passage of ballot initiatives that created independent redistricting commissions in Arizona and California and campaigned for ratification of an amendment to the Florida Constitution prohibiting partisan gerrymandering. Common Cause is the sponsor of the annual Gerrymander Standards Writing Competition. In this case, Common Cause is opposing a Republican gerrymander in North Carolina, but at the same time Common Cause is opposing a Democratic gerrymander in Maryland, where it has appeared as

amicus curiae in the Supreme Court in *Shapiro v. McManus*, ___ U.S. ___, 136 S. Ct. 450 (2015), and in the district court on remand, 1:13-cv-03233-JKB (D. Md.). For Common Cause, these are issues of principle, not of party, and it is committed to eliminating the harm caused to its members and all citizens by these practices.

(c) The North Carolina Democratic Party ("NCDP") is a political party as defined in N.C. Gen. Stat. § 163-96. Its purposes are (i) to bring people together to develop public policies and positions favorable to NCDP members and the public generally, (ii) to identify candidates who will support and defend those policies and positions, and (iii) to persuade voters to cast their ballots for those candidates. These purposes are essential to the functioning of our democracy. Defendants' unlawful partisan gerrymander was adopted to discriminate against the NCDP and its members because of their beliefs and association and to suppress or nullify the capacity of the NCDP to achieve its essential purposes for its members.

(d) Larry D. Hall is a registered Democratic voter residing at 1526 Southwood Drive in the City of Durham in Durham County, North Carolina. He practices law in Durham and is a Democratic member of the North Carolina House of Representatives. Defendants assigned Representative Hall to Congressional District ("CD") 1 for the 2016 election. Together with all other Democratic voters, Representative Hall has been harmed by Defendants' unlawful gerrymandering because it treats him unequally based on his political beliefs and

association. His vote for the U.S. House of Representatives will be diluted or nullified as a result of his placement in CD 1.

(e) Douglas Berger is a registered Democratic voter residing at 125 Hunters Lane in the City of Youngsville in Franklin County, North Carolina. He is a lawyer and former member of the North Carolina Senate. Defendants assigned Mr. Berger to CD 2 for the 2016 election. Together with all other Democratic voters, Mr. Berger has been harmed by Defendants' unlawful gerrymandering because it treats him unequally based on his political beliefs and association. His vote for the U.S. House of Representatives will be diluted or nullified as a result of his placement in CD 2.

(f) Dr. and Mrs. Richard and Cheryl Lee Taft are registered Democratic voters residing at 303 Kenilworth Road in the City of Greenville in Pitt County, North Carolina. He is a retired physician, and she is a landscape architect. Defendants assigned Dr. and Mrs. Taft to CD 3 for the 2016 election. Together with all other Democratic voters, Dr. and Mrs. Taft have been harmed by Defendants' unlawful gerrymandering because it treats them unequally based on their political beliefs and association. Their votes for the U.S. House of Representatives will be diluted or nullified as a result of their placement in CD 3.

(g) Alice L. Bordsen is a registered Democratic voter residing at 706 Copperline Drive #202 in the Town of Chapel Hill in Orange County, North Carolina. She is a lawyer and former Democratic member of the North Carolina House of

Representatives. Defendants assigned Ms. Bordsen to CD 4 for the 2016 election. Together with all other Democratic voters, Ms. Bordsen has been harmed by Defendants' unlawful gerrymandering because it treats her unequally based on her political beliefs and association. Her vote for the U.S. House of Representatives will be diluted or nullified as a result of her placement in CD 4.

(h) Morton Lurie is a registered Republican voter residing at 4112 Landfall Court in the City of Raleigh in Wake County, North Carolina. He is retired. Defendants assigned Mr. Lurie to CD 4 for the 2016 election. Together with all other Republican voters assigned to CD 4, Mr. Laurie has been harmed by Defendants' unlawful gerrymandering because it treats him unequally based on his political beliefs and association. His vote for the U. S. House of Representatives will be diluted or nullified as a result of his placement in CD 4.

(i) William H. Freeman is a registered Democratic voter residing at 112 Westhaven Circle in the City of Winston-Salem in Forsyth County, North Carolina. He practices law in Winston-Salem and is a retired Superior Court Judge. Defendants assigned Judge Freeman to CD 5 for the 2016 election. Together with all other Democratic voters, Judge Freeman has been harmed by Defendants' unlawful gerrymandering because it treats him unequally based on his political beliefs and association. His vote for the U.S. House of Representatives will be diluted or nullified as a result of his placement in CD 5.

(j) Melzer A. Morgan, Jr. is a registered Democratic voter residing at 1607 Courtland Avenue

in the City of Reidsville in Rockingham County, North Carolina. He is a retired Superior Court Judge. Judge Morgan was assigned to CD 6 for the 2016 election. Together with all other Democratic voters, Judge Morgan has been harmed by Defendants' unlawful gerrymandering because it treats him unequally based on his political beliefs and association. His vote for the U.S. House of Representatives will be diluted or nullified as a result of his placement in CD 6.

(k) Cynthia S. Boylan is a registered Democratic voter residing at 612 Forest Hills Drive in the City of Wilmington in New Hanover County, North Carolina. She is a retired member of the North Carolina Department of Justice. Defendants assigned Ms. Boylan to CD 7 for the 2016 election. Together with all other Democratic voters, Ms. Boylan has been harmed by Defendants' unlawful gerrymandering because it treats her unequally based on her political beliefs and association. Her vote for the U.S. House of Representatives will be diluted or nullified as a result of her placement in CD 7.

(l) Coy E. Brewer, Jr. is a registered Democratic voter residing at 909 Calamint Lane in the City of Fayetteville in Cumberland County, North Carolina. He practices law in Fayetteville and is a retired Superior Court Judge. Judge Brewer was assigned to CD 8 for the 2016 election. Together with all other Democratic voters, Judge Brewer has been harmed by Defendants' unlawful gerrymandering because it treats him unequally based on his political beliefs and association. His vote for the U.S. House of Representatives will be diluted or nullified as a result of his placement in CD 8.

(m) John Morrison McNeill is a registered Democratic voter residing at 225 East 3rd Ave. in the Town of Red Springs in Robeson County, North Carolina. He currently serves as Mayor of Red Springs. Defendants assigned Mr. McNeill to CD 9 for the 2016 election. Together with all other Democratic voters, Mr. McNeill has been harmed by Defendants' unlawful gerrymandering because it treats him unequally based on his political beliefs and association. His vote for the U.S. House of Representatives will be diluted or nullified as a result of his placement in CD 9.

(n) Robert Warren Wolf is a registered Democratic voter residing at 238 Knollwood Drive in the Town of Forest City in Rutherford County, North Carolina. He practices law in Forest City. Defendants assigned Mr. Wolf to CD 10 for the 2016 election. Together with all other Democratic voters, Mr. Wolf has been harmed by Defendants' unlawful gerrymandering because it treats him unequally based on his political beliefs and association. His vote for the U.S. House of Representatives will be diluted or nullified as a result of his placement in CD 10.

(o) Jones P. Byrd is a registered Democratic voter residing at 89 Edgelawn Drive in the City of Asheville in Buncombe County, North Carolina. He practices law in Asheville and is former Chair of the Buncombe County Board of Elections. Defendants assigned Mr. Byrd to CD 11 for the 2016 election. Together with all other Democratic voters, Mr. Byrd has been harmed by Defendants' unlawful gerrymandering because it treats him unequally based on his political beliefs and association. His vote for the U.S. House of

Representatives will be diluted or nullified as a result of his placement in CD 11.

(p) John W. Gresham is a registered Democratic voter residing at 717 E. Kingston Ave. in the City of Charlotte in Mecklenburg County, North Carolina. He practices law in Charlotte. Defendants assigned Mr. Gresham to CD 12 for the 2016 election. Together with all other Democratic voters, Mr. Gresham has been harmed by Defendants' unlawful gerrymandering because it treats him unequally based on his political beliefs and association. His vote for the U.S. House of Representatives will be diluted or nullified as a result of his placement in CD 12.

(q) Russell G. Walker, Jr. is a registered Democratic voter residing at 104 Jordan Ridge Way in the City of Jamestown in Guilford County, North Carolina. He is a retired Superior Court Judge. Defendants assigned Judge Walker to CD 13 for the 2016 election. Together with all other Democratic voters, Judge Walker has been harmed by Defendants' unlawful gerrymandering because it treats him unequally based on his political beliefs and association. His vote for the U.S. House of Representatives will be diluted or nullified as a result of his placement in CD 13.

3. The defendants are:

(a) Robert A. Rucho, in his official capacity as Chairman of the North Carolina Senate Redistricting Committee for the 2016 Extra Session and Co-Chairman of the Joint Select Committee on Congressional Redistricting;

(b) David R. Lewis, in his official capacity as Chairman of the North Carolina House of

Representatives Redistricting Committee for the 2016 Extra Session and Co-Chairman of the Joint Select Committee on Congressional Redistricting;

(c) Philip E. Berger, in his official capacity as the President Pro Tempore of the North Carolina Senate;

(d) Timothy K. Moore, in his official capacity as the Speaker of the North Carolina House of Representatives;

(e) A. Grant Whitney, Jr., in his official capacity as Chairman and acting on behalf of the North Carolina State Board of Elections;

(f) The North Carolina State Board of Elections, which is the agency that is charged with the responsibility for the administration of the election laws of the State of North Carolina and with the "general supervision over the primaries and elections in the State," N.C. Gen. Stat. § 163-22(a), including elections of the thirteen members of the United States House of Representatives from North Carolina;

(g) The State of North Carolina, a sovereign state of the United States. Its legislative power is vested in the General Assembly. N.C. Const. Art. II, § 1. That power is "derived from the people" and must be exercised "solely for the good of the whole." *Id.* Art. 1 § 2. Among the rights granted North Carolinians is the right "to assemble together ... to instruct their representatives" and the right "to apply to the General Assembly for the redress of grievances." *Id.* § 12.

JURISDICTION AND VENUE

4. This case arises under the Constitution of the United States, the issues are justiciable and well within the established subject-matter jurisdiction of

this Court under 28 U.S.C. §§ 1331, 1343, 1357, 2201 and 42 U.S.C. § 1983, and must be heard and determined by a district court of three judges under 28 U.S.C. § 2284. Venue is appropriate in this district pursuant to 28 U.S.C. § 1391(b).

STATEMENT OF FACTS

5. From 2002 until 2012, North Carolina was represented in Congress by thirteen representatives elected from districts established under a reapportionment plan adopted by the North Carolina General Assembly in 2001 (the "2001 Plan") to conform to the one-person, one-vote requirements of Article I, § 2 of the U.S. Constitution. *See Wesberry v. Sanders*, 376 U.S. 1, 84 S. Ct. 526 (1964).

6. Five congressional general elections were conducted under the 2001 plan, beginning in 2002 and ending in 2010. The following chart reflects the number and percent of votes cast in favor of Democratic and Republican candidates for Congress in those elections, as well as the number and percent of Democratic and Republican candidates actually elected to Congress under the 2001 plan:

	North Carolina State-wide Votes in U.S. House Elections				Representatives Elected to U.S. House for North Carolina			
Year	Number of Democratic ("DEM") Votes	DEM Votes as % of Total Votes	Number of Republican ("GOP") Votes	GOP Votes as % of Total Votes	Number of DEM Repre-sentatives ("Reps")	DEM Reps. as % of Total Reps.	Number of GOP Reps.	GOP Reps. as % of Total Reps.
2002	970,716	45%	1,209,033	54%	6	46%	7	54%
2004	1,669,864	49%	1,743,131	51%	6	46%	7	54%
2006	1,026,915	53%	913,893	47%	7	54%	6	46%
2008	2,293,971	54%	1,901,317	45%	8	62.5%	5	38.5%
2010	1,204,635	45%	1,440,913	54%	7	54%	6	46%

7. In 2011, the Republican party gained control of both houses of the North Carolina General Assembly and enacted a new congressional redistricting plan (the "2011 Plan") that resulted in the election of nine Republicans and four Democrats to Congress in 2012 and ten Republicans and three Democrats in 2014.

8. The 2011 Plan dramatically altered the composition of the North Carolina delegation elected to Congress in the 2012 and 2014 general elections:

	North Carolina State-wide Votes in U.S. House Elections				Representatives Elected to U.S. House for North Carolina			
Year	Number of Democratic ("DEM") Votes	DEM Votes as % of Total Votes	Number of Republican ("GOP") Votes	GOP Votes as % of Total Votes	Number of DEM Repre-sentatives ("Reps")	DEM Reps. as % of Total Reps.	Number of GOP Reps.	GOP Reps. as % of Total Reps.
2012	2,218,357	51%	2,137,167	49%	4	31%	9	69%
2014	1,361,695	44%	1,596,942	55%	3	23%	10	77%

9. On February 5, 2016, the 2011 North Carolina Congressional Redistricting Plan was declared unconstitutional by a three-judge district court in *Harris v. McCrory*, No. 1:13-CV-949, 2016 WL 482052 (M.D.N.C. Feb. 5, 2016), *appeal docketed*, No. 15-1262 (U.S. Apr. 11, 2016). The court held that both the First Congressional District and the Twelfth Congressional District were the product of unconstitutional racial gerrymanders that violated the Equal Protection Clause of the Fourteenth Amendment and enjoined the State from conducting the 2016 primary and general elections under the 2011 Plan. *Id.* at *17, *21.

10. In response to the ruling of the court in *Harris*, the Republican leadership in both the North Carolina House and Senate appointed a Joint Select Committee

on Redistricting (the "Joint Committee") to draft a new congressional redistricting plan. The Joint Committee was composed of 25 Republicans and 12 Democrats. It was co-chaired by the same two Republican legislators, Representative David Lewis and Senator Robert Rucho, who had co-chaired the Joint Committee responsible for drafting the unconstitutional 2011 Congressional Redistricting Plan.

11. The Joint Committee met on February 16, 2016, to consider the adoption of a set of written redistricting criteria that was drafted by the two Republican co-chairs of the Committee, defendants Representative Lewis and Senator Rucho.

12. At the Joint Committee hearing, Representative Lewis explained the written criteria. He said that, **"to the extent possible, the map drawers [would be instructed to] create a map which is perhaps likely to elect ten Republicans and three Democrats."** February 16, 2016 North Carolina Joint Select Committee on Congressional Redistricting (2015) Hearing Transcript ("Tr."), available at https://redistricting.lls.edu/files/NC%20Harris%20160217%20Transcript.pdf, at 48 (emphasis added). Representative Lewis freely **"acknowledge[d] ... that this would be a political gerrymander,"** which, he claimed, "is not against the law." *Id.* (emphasis added).

13. Representative Lewis went on to **"propose that we draw the maps to give a partisan advantage to ten Republicans and three Democrats because I do not believe it's possible**

to draw a map with 11 Republicans and two Democrats." Tr. 50 (emphasis added).

14. Representative Lewis emphasized that by adopting the written criteria, "we [the Joint Committee] **want to make clear that we...are going to use political data in drawing this map. It is to gain partisan advantage on the map. ... I want that criteria to be clearly stated and understood."** Tr. 53-4 (emphasis added).

15. Representative Lewis said that race would not be considered in drawing the new congressional district map, and emphasized that the only information other than population that would be used to draw the lines of the new congressional districts to maintain the existing 10-3 Republican partisan advantage would be "political data." Tr. 54. He specifically said that the Joint Committee would use **"political data, which was the earlier criteria adopted by th[e] committee [in 2011]. ... [A]s you draw the lines, if you're trying to give a partisan advantage, you would draw the lines so that more of the whole VTDs [Voter Tabulation Districts] voted for the Republican on the ballot than they did the Democrat."** Tr. 57 (emphasis added).

16. The Joint Committee voted to adopt the written criteria that Representative Lewis and Senator Rucho proposed by a strict party-line vote. A true and correct copy of the 2016 Contingent Congressional Plan Committee Adopted Criteria is attached as Exhibit A and is incorporated herein by reference (and hereinafter referred to as the "2016 Adopted Criteria").

17. The 2016 Adopted Criteria expressly instructed the mapmakers to make a "reasonable effort" to draw a new North Carolina congressional district map that would maintain the existing 10-3 Republican "Partisan Advantage":

Partisan Advantage

> The partisan makeup of the congressional delegation under the enacted plan is 10 Republicans and 3 Democrats. **The Committee shall make reasonable efforts to construct districts in the 2016 Contingent Congressional Plan to maintain the current partisan makeup of North Carolina's congressional delegation.**

Exhibit A (emphasis added).

18. The 2016 Adopted Criteria also gave the mapmakers specific instructions that, other than population, they should use only "political data" to redraw the lines of North Carolina's thirteen congressional districts. The "political data" reflected whether the people in each Voter Tabulation District had voted in favor of Democratic or Republican candidates for certain state-wide elections since 2008 (excluding, however, the 2008 and 2012 presidential elections):

Political Data

> **The only data other than population data to be used to construct congressional districts *shall be election results in statewide contests since January 1, 2008*, not including the last**

> **two presidential contests. Data identifying the race of individuals or voters shall not be used in the construction or consideration of districts in the 2016 Contingent Congressional Plan. Voting districts ("VTDs") should be split when necessary to comply with the zero deviation population requirements set forth above in order to ensure the integrity of political data.**

Id. (emphasis added)

19. It took mapmakers only one day, using the "political data" specified in the 2016 Adopted Criteria, to draft a new congressional redistricting plan that would preserve and maintain the Republican Party's 10-3 partisan advantage. That plan was presented to and approved by the Joint Committee on February 17, 2016.

20. The next day, February 18, 2016, the new 2016 Plan was introduced in the North Carolina Senate and was passed that same day in a straight party-line vote of 32 Republicans voting for the Plan and 15 Democrats voting against it.

21. The new 2016 Plan was introduced in the House of Representatives on the following day, February 19, 2016, and was passed and thus enacted into law by another straight party-line vote, with 65 Republicans voting for the Plan and 43 Democrats opposing it.

22. A true and correct copy of the final 2016 Congressional Redistricting Plan as enacted by the

North Carolina General Assembly is attached hereto as Exhibit B and is incorporated herein by reference.

23. As of the date of enactment of the 2016 Plan, there were 2,634,903 registered Democrats, 1,976,873 registered Republicans, and 1,844,264 unaffiliated registered voters in North Carolina. *N.C. Voter Statistics Results, Reporting Period: 2/20/2016*, North Carolina State Board of Elections, http://enr.ncsbe.gov/voter_stats/results.aspx?date=02-20-2016. In other words, Defendants enacted a plan designed to give Republicans a 10-3 seat majority when Republicans comprised only 30% of the registered voters.

24. A statistical analysis of the 2016 Plan will confirm that the gerrymander of North Carolina's thirteen congressional districts to perpetuate the 10-3 partisan advantage in favor of the Republican Party and Republican candidates is intentional and is not the product of chance or the neutral application of legitimate redistricting principles. Hundreds of alternative plans can be drawn based on traditional redistricting principles that would have been far less partisan than the 2016 Plan, and that would have created districts more likely to result in the election of a congressional delegation more representative of the support of Democratic and Republican candidates by the voters of North Carolina. The statistical likelihood that the 10-3 partisan advantage in favor of the Republican Party and Republican candidates created by the 2016 Plan is the result of chance is virtually nonexistent.

COUNT ONE

25. The facts alleged above in paragraphs 1-24 are hereby incorporated by reference as allegations of Count One of the complaint.

26. The 2016 North Carolina Congressional Redistricting Plan as a whole and each of the thirteen individual districts created by that Plan violate the First Amendment and the due process clause of the Fourteenth Amendment to the Constitution of the United States, are invalid, and should be enjoined. *See Liquormart, Inc. v. Rhode Island*, 517 U.S. 484, 489 n.1, 116 S. Ct. 1495, 1501 n.1 (1996) (applying the First Amendment to the states).

27. The First Amendment "has its fullest and most urgent application ... to the conduct of campaigns for political office," *McCutcheon v. FEC*, 572 U.S. __, 134 S. Ct. 1434, 1441(2014). It protects the right of voters to join or support a political party, and to vote for the candidate of their choice, which are the "core of those activities protected by the First Amendment" without which a representative democracy cannot function. *Elrod v. Burns*, 427 U.S. 347, 356, 96 S. Ct. 2673, 2681 (1976) (plurality opinion).

28. "Partisan gerrymanders . . . are incompatible with democratic principles." *Arizona State Legislature v. Arizona Indep. Redistricting Comm'n*, 576 U.S. __, 135 S. Ct. 2652, 2658 (2015) (alterations adopted); *see Vieth v. Jubelirer*, 541 U.S. 267, 292, 124 S. Ct. 1769, 1785 (2004) (Scalia, J., plurality opinion); *Vieth*, 541 U.S. at 316, 124 S. Ct. at 1798 (Kennedy, J., concurring); *Vieth*, 541 U.S. at 324, 124 S. Ct. at 1803 (Stevens, J., concurring in part and dissenting in

part); *see also Harris v. Ariz. Indep. Redistricting Comm'n*, 578 U.S. __, 136 S. Ct. 1301, 1310 (2016) ("assuming, without deciding, that partisanship is an illegitimate redistricting factor"); *N.C. State Conference of the NAACP v. McCrory*, No. 16-1468, 2016 U.S. App. LEXIS 13797, at *33 n.6 (4th Cir. July 29, 2016) ("Of course, state legislators also cannot impermissibly dilute or deny the votes of opponent political parties...as this same General Assembly was found to have done earlier this year.") (internal citations omitted) (citing *Raleigh Wake Citizens Ass'n v. Wake Cty. Bd. of Elections*, No. 16-1270, 2016 WL 3568147 (4th Cir. July 1, 2016)).

29. The 2016 Plan violates the First Amendment by favoring some voters (e.g., Republican supporters of the party in power) and by burdening or penalizing other voters (e.g., Democratic voters) based on the content of the voters' political expression or beliefs, their political party memberships or affiliations, or their voting histories in favor of a political party or its candidates. *See Vieth*, 541 U.S. at 314-16, 124 S. Ct. at 1797–98 (Kennedy, J., concurring); *see also id.* at 324, 124 S. Ct. at 1803 (Stevens, J., concurring in part and dissenting in part); *LULAC v. Perry*, 548 U.S. 399, 461-62, 126 S. Ct. 2594, 2634-35 (2006) (Stevens, J., joined by Breyer, J., concurring in part and dissenting in part).

30. The Republican majority in the North Carolina General Assembly also violated the First Amendment by using the partisan "political data" specified in the 2016 Adopted Criteria to draft and enact the 2016 Congressional Redistricting Plan to perpetuate and maintain the Republicans' 10-3

advantage in the North Carolina congressional delegation by intentionally favoring Republican voters over Democratic voters based on their political beliefs, party affiliations, and voting histories when assigning citizens to CDs 2, 3, 5, 6, 7, 8, 9, 10, 11 and 12, and by intentionally favoring Democratic voters over Republican voters when assigning citizens to CDs 1, 4, and 13.

31. The 2016 Plan impinges on "the First Amendment interest of not burdening or penalizing citizens because of their participation in the electoral process, their voting history, their association with a political party, or their expression of political views. Under general First Amendment principles, those burdens ... are unconstitutional absent a compelling [state] interest." *Vieth*, 541 U.S. at 314, 124 S. Ct. at 1797 (Kennedy, J., concurring) (citation omitted); *see also id.* at 324, 124 S. Ct. at 1803 (Stevens, J., concurring in part and dissenting in part); *LULAC*, 548 U.S. at 461-62, 126 S. Ct. at 2634-35 (Stevens, J., joined by Breyer, J., concurring in part and dissenting in part).

32. The 2016 Plan also violates the First Amendment duty of state governments and state officials to *govern impartially* and maintain a position of *strict political neutrality* in the adoption of laws that distribute political representation and power among the people through the apportionment of congressional and state legislative districts.

33. The First Amendment duty to govern impartially was violated when the majority party in the North Carolina General Assembly used its control of the congressional redistricting process for partisan

advantage—to maximize and entrench its hold on political power by gerrymandering the districts in its favor, making it more difficult for the NCDP and its members to elect the candidates of their choice to Congress.

34. The purpose and the effect of the 2016 Plan was to give the Republican Party and Republican candidates for Congress in North Carolina a partisan advantage over the NCDP and Democratic candidates. The 2016 Plan enhances the effectiveness of the votes of as many Republican voters as possible by creating ten districts with safe Republican majorities, in which votes cast by Democratic voters are diluted or nullified and have no effect on the outcome of the general congressional election in those districts, and by creating three districts with safe Democratic majorities in which votes cast by Republican voters are diluted or nullified and have no effect on the outcome of the general congressional election in those districts.

35. The purpose and effect of the 2016 Plan was also to burden and penalize both the NCDP and Democratic voters by: (i) packing as many Democratic voters as possible into the First, Fourth, and Twelfth Congressional Districts, where the excess votes of Democratic voters beyond those necessary to elect a Democratic candidate of their choice would be essentially wasted; and (ii) diluting or nullifying the votes of the remaining Democratic voters who reside outside of these three districts by dispersing (or "cracking") all remaining Democratic voters among the other ten districts which were safe Republican majorities, where their (the Democrats') votes in favor

of Democratic candidates cannot affect the outcome of the general election. These actions denied the NCDP and its voters a fair opportunity to elect a Democratic candidate of their choice in any of these ten Republican-dominated districts.

36. Although the 2016 Plan only divided thirteen counties, any one of thousands of alternative plans could have been enacted by the General Assembly that also would have only divided thirteen counties without creating a disproportionate 10-3 partisan advantage in favor of the Republican Party and its candidates.

37. The 2016 Plan as a whole, and each of its thirteen individual districts, were gerrymandered based on the content of the political beliefs, political affiliations, and voting histories of the voters in each district and are, both individually and collectively, subject to strict scrutiny.

38. The 2016 Plan is not justified by any *legitimate* state interest of such compelling and paramount importance that justifies burdening or penalizing the First Amendment rights of Democratic voters and the NCDP.

COUNT TWO

39. The facts alleged in paragraphs 1-24 are hereby incorporated by reference as allegations of Count Two of the complaint.

40. The 2016 North Carolina Congressional Redistricting Plan and each of the thirteen individual districts created by that Plan deprive the NCDP and Democratic voters of equal protection of the laws in violation of the Fourteenth Amendment, are invalid, and their enforcement should be enjoined.

41. "The object of districting is to establish 'fair and effective representation for all citizens.'" *Vieth*, 541 U.S. at 307, 124 S. Ct. at 1793 (Kennedy, J., concurring) (quoting *Reynolds v. Sims*, 377 U.S. 533, 565–66, 84 S. Ct. 1362, 1383 (1964)).

42. The right to vote is "fundamental," and once that right "is granted to the electorate, lines may not be drawn which are inconsistent with the Equal Protection Clause of the Fourteenth Amendment." *Bush v. Gore*, 531 U.S. 98, 104–05, 121 S. Ct. 525, 530 (2000) (quoting *Harper v. Va. Bd. of Elections*, 383 U.S. 663, 665, 86 S. Ct. 1079, 1081 (1966)); *see also Raleigh Wake Citizens Ass'n*, 2016 WL 3568147, at *1.

43. The desire on the part of the party in power to gain a partisan advantage and to "harm a politically [weak or] unpopular group" by gerrymandering congressional districts is not "a *legitimate* governmental interest." *United States Dep't of Agric. v. Moreno*, 413 U.S. 528, 534, 93 S. Ct. 2821, 2826 (1973) (emphasis added); *see also City of Cleburne v. Cleburne Living Ctrs.*, 473 U.S. 432, 446-47, 105 S. Ct. 3249, 3258 (1985).

44. The admitted, primary, and predominant objective of the 2016 Plan was to deprive the NCDP and Democratic voters of fair and effective representation and to perpetuate the Republican majority's ten-three (10-3) partisan advantage created by the 2011 Plan (and thereby entrench the Republican Party's majority in the U.S. Congress). The 2016 Plan achieves this objective by drawing congressional districts that discriminate in favor of the Republican Party and Republican voters and against the NCDP and Democratic voters by

systematically making it more difficult for the NCDP and Democratic voters to elect a candidate of their choice in ten of North Carolina's thirteen congressional districts.

45. The 2016 Plan as a whole, and each of the thirteen individual districts, are subject to strict scrutiny. They cannot be justified by any legitimate state interest of compelling importance that could not be achieved by a more carefully drawn plan or that made it necessary to discriminate against the NCDP and Democratic voters.

COUNT THREE

46. The facts alleged in paragraphs 1-24 are hereby incorporated by reference as allegations of Count Three of the complaint.

47. The 2016 Congressional Redistricting Plan and each of the thirteen individual districts created by that Plan violate Article I, § 2 of the U.S. Constitution, are therefore invalid, and should be enjoined.

48. In the Great Compromise, the Framers of the U.S. Constitution agreed to allow the state legislatures to elect members of the Senate from their respective states, U.S. Const., Art. I, § 3, on the condition that members of the House of Representatives be elected by a popular vote of the people in each state, whose qualifications to vote as "electors" were to be the same as the qualifications to vote for the most numerous house of each state's legislature. *Id.* § 2.

49. Instead of allowing the "people of the several states" in each district to make that decision for themselves in an open and fair election that has not

been rigged by the state legislature, the 2016 Plan violates Article I, § 2 by allowing the majority party in a state legislature to choose the members of the House of Representatives elected to represent each district.

COUNT FOUR

50. The facts alleged in paragraphs 1-24 above are hereby incorporated by reference as allegations of Count Four of the complaint.

51. The 2016 Congressional Redistricting Plan and each of the thirteen individual districts created by that Plan are invalid because they were adopted in excess of the authority granted to the North Carolina General Assembly by Article I, § 4 of the U.S. Constitution to determine "the Times, Places and Manner of holding Elections" of members of the House of Representatives, which is the sole source of a state's authority to draw congressional district lines.

52. The authority granted by the Constitution to the legislatures of the states to "prescribe" the "Times, Places and Manner" of elections of members of the House of Representatives is not unlimited. It only allows the legislatures to adopt *procedural rules* for the conduct of congressional elections, and does not include the power to *dictate or control the electoral outcomes of those elections. See Cook v. Gralike,* 531 U.S. 510, 523, 121 S. Ct. 1029, 1038 (2001); *U.S. Term Limits, Inc. v. Thornton*, 514 U.S. 779, 808-10, 115 S. Ct. 1842, 1857-58 (1995).

53. The 2016 Plan is a naked attempt by the majority party in a state legislature to dictate and control the outcome of the general election for members of the House of Representatives by drawing the district lines to virtually guarantee the election of

the majority party's candidates in ten of the thirteen districts. The 2016 Plan makes it more difficult, if not impossible, for Democratic candidates to be elected from those districts and, conversely, to limit the number of Democrats elected to Congress by putting supermajorities of Democratic voters in the three remaining districts (the First, Fourth and Twelfth Congressional Districts).

54. The Republican majority exceeded its constitutional authority by gerrymandering North Carolina's thirteen congressional districts for partisan purposes to give the Republican Party a 10-3 seat advantage over the NCDP, and the 2016 North Carolina Congressional Redistricting Plan is thus *ultra vires* and should be enjoined.

INJURY AND IRREPARABLE HARM

55. The defendants' violations of the Constitution have caused a direct, concrete, and particularized injury to Common Cause and its Democratic members in North Carolina, to the Democratic Party, to Democratic voters in North Carolina, to the individual Democratic-voter plaintiffs and to the individual Republican-voter plaintiff. Their injuries include, *inter alia*, the following:

(a) The 2016 Plan has made it more difficult, if not impossible, for a Democratic candidate to be elected in the general election to the House of Representatives from each of the ten districts that have been gerrymandered to have safe Republican majorities;

(b) The 2016 Plan has injured the Democratic-voter plaintiffs and other Democratic voters who reside in congressional districts that formerly had Democratic majorities during the 2002-2010 election

cycles. The 2016 Plan dilutes or nullifies the effectiveness of their votes and deprives them of the opportunity to elect the candidate of their choice by cracking and disbursing them among one of the ten districts with safe Republican majorities in which their votes in favor of a Democratic candidate no longer matter and cannot affect the outcome of the general election;

(c) The 2016 plan also has injured Democratic voters who have been packed into three districts gerrymandered to contain large Democratic supermajorities, where their votes in favor of the Democratic candidate in the general election in excess of the majority required to enable them to elect the Democratic candidate of their choice have been and will be largely wasted and have no more effect than if they had not voted.

(d) The 2016 plan has further injured Republican voters assigned to CDs 1, 4 and 13 by diluting or nullifying the effectiveness of their votes and depriving them of the opportunity to elect the candidate of their choice.

PRAYER FOR RELIEF

Wherefore the plaintiffs respectfully pray that:

(a) a three-judge district court be convened to hear and determine the plaintiffs' claims that the 2016 North Carolina Congressional Redistricting statute, N.C. Sess. Law. 2016-1, adopted on February 19, 2016, is unconstitutional;

(b) the Court grant a declaratory judgment pursuant to 28 U.S.C. § 2201 that the 2016 North Carolina Congressional Redistricting statute, and

each of the thirteen districts created by that statute, are unconstitutional partisan gerrymanders;

(c) the Court enter a preliminary and a permanent injunction prohibiting the defendants from enforcing or attempting to enforce the 2016 North Carolina Congressional Redistricting statute, or from conducting primary or general elections for members of the House of Representatives under its provisions;

(d) the Court enjoin the North Carolina General Assembly from creating any future legislative districts with the purpose or effect of burdening or penalizing an identifiable group, a political party, or individual voters based on their political beliefs, political party membership, registration, affiliations or political activities, or voting histories;

(e) the Court also enjoin the North Carolina General Assembly from using "political data" in any future redistricting process to burden or penalize an identifiable group, a political party, or individual voters based on their political beliefs, political-party membership, registration, affiliations or political activities, or voting histories;

(f) the Court award plaintiffs their reasonable costs and attorneys' fees pursuant to 42 U.S.C. § 1988; and

(g) the Court grant plaintiffs such other and further relief as may be just and equitable.

Respectfully submitted, this 7th day of September, 2016.

/s/Emmet J. Bondurant
Emmet J. Bondurant

* * *

Amended Complaint

League of Women Voters of North Carolina v. Rucho, No. 16-cv-1164 (M.D.N.C. Feb. 10, 2017) (ECF 41)

Plaintiffs, complaining of Defendants, allege:

INTRODUCTION

1. Plaintiffs seek a declaratory judgment that the North Carolina Congressional Plan adopted in February 2016 (the "2016 Plan") violates the First and Fourteenth Amendments of the United States Constitution and an order permanently enjoining the holding of elections under the 2016 Plan. As explained in greater detail below, the Plan is, by any measure, one of the worst partisan gerrymanders in modern American history. In the 2016 election, the Plan enabled Republican candidates to win ***ten of thirteen*** seats even though the statewide congressional vote was closely divided. Moreover, the Plan will continue to produce a Republican supermajority of seats even if Democratic candidates earn a majority of the statewide vote—and, indeed, even if the largest Democratic wave in a generation occurs.

2. The 2016 Plan's dramatic pro-Republican tilt is deliberate. Its designers were instructed to draw a map that was "likely to elect ten Republicans and three Democrats." One of the Plan's architects also freely admitted that "this would be a political gerrymander," and that he advocated a ten-three seat division only "because [he did] not believe it's possible to draw a map with 11 Republicans and two Democrats."

3. The 2016 Plan's pro-Republican tilt cannot be justified by the State's political geography or legitimate redistricting objectives. The map used by

North Carolina in the 2000s abided by all federal and state legal requirements, but, unlike the 2016 Plan, did not favor either party. Additionally, when hundreds of congressional maps are drawn using a computer algorithm—all at least matching the 2016 Plan in terms of compliance with traditional redistricting criteria—***none*** of them are as biased as the 2016 Plan.

4. This kind of partisan gerrymandering is both unconstitutional and profoundly undemocratic. It is unconstitutional because it treats voters unequally, diluting the electoral influence of one party's supporters in violation of the Equal Protection Clause; and because it burdens voters' freedom of speech and freedom to associate based on their political beliefs in violation of the First Amendment. Severe partisan gerrymandering is also contrary to core democratic values because it enables a political party to win many more districts—and thus much more legislative power—than is warranted by that party's popular support. By sharply distorting the relationship between votes and seats, it causes policies to be enacted that do not accurately reflect the public will.

5. The United States Supreme Court has recognized that excessive partisan gerrymandering is unconstitutional. Nevertheless, recent challenges have failed because litigants have been unable to offer a workable standard to distinguish between permissible political line-drawing and unlawful partisan gerrymandering. In this case, Plaintiffs propose a test that ***is*** workable, based on the concept of ***partisan symmetry***. This is simply the idea that a district plan should treat the major parties

symmetrically with respect to the conversion of votes to seats, and that neither party should enjoy a systematic advantage in how efficiently its popular support translates into legislative power.

6. One way to measure a district plan's partisan symmetry is to calculate its ***efficiency gap***. The efficiency gap captures in a single number all of a plan's ***cracking*** and ***packing***—the two fundamental ways in which partisan gerrymanders are constructed. Cracking means dividing a party's supporters among multiple districts so they fall short of a majority in each one. Packing means concentrating a party's supporters in a few districts so their preferred candidates win by overwhelming margins. Both cracking and packing result in "wasted" votes: votes cast either for a losing candidate (in the case of cracking) or for a winning candidate but in excess of what she needed to prevail (in the case of packing). The efficiency gap is simply the difference between the parties' respective wasted votes in an election, divided by the total number of votes cast.

7. Partisan symmetry forms the backbone of Plaintiffs' proposed three-prong test for partisan gerrymandering. This test's first prong is ***discriminatory intent***, that is, whether a district plan was enacted with the purpose of benefiting one party or disadvantaging another party. The test's second prong is ***discriminatory effect***, that is, whether the plan exhibits a level of partisan asymmetry that is high and durable relative to historical norms. And the test's third prong is ***justification***, that is, whether the State can justify

the plan's asymmetry based on the State's political geography or legitimate redistricting objectives.

8. The 2016 Plan is plainly unconstitutional under this test. First, it was designed pursuant to criteria explicitly labeled "Partisan Advantage" and "Political Data." Its own authors also admit that it was intended to "gain partisan advantage" and be a "political gerrymander" that is "likely to elect ten Republicans and three Democrats."

9. Second, the 2016 Plan's predecessor (enacted in 2011) exhibited pro-Republican efficiency gaps of over ***20 percent*** in 2012 and 2014, and the 2016 Plan itself produced a pro-Republican efficiency gap of ***19 percent*** in 2016. To put these scores in perspective, the 2011 Plan had the largest average efficiency gap of all maps analyzed from 1972 to the present, and the 2016 Plan had the largest efficiency gap of all maps analyzed in 2016. Efficiency gaps this extreme mean that the 2016 Plan's asymmetry is virtually certain to endure for the remainder of the decade.

10. Third, the 2016 Plan's bias is entirely unjustifiable. Of the hundreds of computer-drawn district maps of North Carolina, ***all of them*** treat the major parties more symmetrically while performing at least as well on every other dimension.

11. To be clear, Plaintiffs do not aim to replace a pro-Republican gerrymander with a pro-Democratic one. Rather, Plaintiffs seek the enactment of a balanced map that does not give either side an unfair partisan advantage as a remedy.

JURISDICTION AND VENUE

12. This action is brought pursuant to the United States Constitution and 28 U.S.C. § 2284(a). A three-judge panel should hear this case.

13. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1343(a).

14. This Court has personal jurisdiction over each Defendant because each is a citizen of North Carolina.

15. Venue in this district is proper pursuant to 28 U.S.C. § 1391(b) because a substantial portion of the events giving rise to the claims occurred in this district, and each Defendant conducts business in this district.

PARTIES

16. Plaintiff LEAGUE OF WOMEN VOTERS OF NORTH CAROLINA ("LWVNC") is a nonpartisan community-based organization, formed in 1920, immediately after the enactment of the Nineteenth Amendment granting women's suffrage. The LWVNC is dedicated to encouraging its members and the people of North Carolina to exercise their right to vote as protected by the Constitution and the Voting Rights Act of 1965. The mission of LWVNC is to promote political responsibility through informed and active participation in government and to act on selected governmental issues. The LWVNC impacts public policies, promotes citizen education, and makes democracy work by, among other things, removing unnecessary barriers to full participation in the electoral process. Currently LWVNC has 15 local leagues and over 972 members, each of whom, upon

information and belief, is a registered voter in North Carolina. LWVNC is affiliated with the League of Women Voters of the United States, which was also founded in 1920. LWVNC began as an organization focused on the needs of women and training women voters. It has evolved into an organization concerned with educating, advocating for, and empowering all North Carolinians. With members in almost every county in the State, the LWVNC's local leagues are engaged in numerous activities, including hosting public forums and open discussions on issues of importance to the community. Individual league members invest substantial time and effort in voter training and civic engagement activities, including voter registration and get-out-the-vote (GOTV) efforts. LWVNC has developed a Voter Engagement Program that partners with local election boards and schools to encourage young voters to register to vote. LWVNC also devotes substantial time and effort to ensuring that government at every level works as effectively and fairly as possible. This work involves continual attention to and advocacy concerning issues of transparency, a strong and diverse judiciary, fair and equal nonpartisan redistricting, and appropriate government oversight.

17. LWVNC has standing to challenge the 2016 Plan. The Plan discriminates against North Carolina voters who associate with the Democratic Party by diluting their votes for the purpose of maintaining a 10-to-3 Republican advantage in congressional seats. The Plan thus directly impairs LWVNC's mission of encouraging civic engagement and nonpartisan redistricting reform. Additionally, LWVNC is a membership organization, and its members are

harmed by the Plan because it dilutes Democratic votes and impairs Democratic voters' ability to elect their preferred congressional candidates. LWVNC's members' right to participate freely and equally in the political process is burdened as well by the Plan, which in many cases denies the ability to cast a meaningful vote altogether.

18. Plaintiff WILLIAM COLLINS is a 66-year-old U.S. Citizen who has been an active Democratic voter in North Carolina since he was 18 years of age. Mr. Collins retired from Domtar Paper Company, LLC approximately 10 years ago. Mr. Collins is a resident of Washington County, and lives in the 1st Congressional District at issue in this case.

19. Plaintiff ELLIOTT FELDMAN is a 74-year-old U.S. citizen who has been an active voter in North Carolina since 1994. In 2003, Mr. Feldman retired from the United States Customs and Border Protection, where he worked for approximately 25 years. Prior to retirement, Mr. Feldman was registered as an independent. However, in 2002, he registered as a Democrat and has registered as such since then. Mr. Feldman is a resident of Mecklenburg County, North Carolina, and lives in the 12th Congressional District at issue in this case.

20. Plaintiff CAROL FAULKNER FOX is a 52-year-old U.S. Citizen who has been an active Democratic voter in North Carolina for more than 17 years. Ms. Fox is a Lecturing Fellow at Duke University. She is a resident of Durham County, and lives in the 1st Congressional District at issue in this case.

21. Plaintiff ANNETTE LOVE is a 59-year-old U.S. Citizen who has been an active Democratic voter in North Carolina for more than 28 years. Ms. Love is a retired independent contractor in the real estate and mortgages profession. She is a resident of Durham County, and lives in the 1st Congressional District at issue in this case.

22. Plaintiff MARIA PALMER is a 56-year-old U.S. citizen who has been an active Democratic voter in North Carolina for nearly 20 years. Dr. Palmer is an employee of Carolina Donor Services, an organ procurement organization, and is a Council Member for the Town of Chapel Hill, North Carolina. Dr. Palmer is a resident of Orange County, North Carolina, and lives in the 4th Congressional District at issue in this case.

23. Plaintiff GUNTHER PECK is a 53-year-old U.S. Citizen who has been an active Democratic voter in North Carolina for more than 10 years. Mr. Peck is an Associate Professor at Duke University. He is a resident of Durham County, and lives in the 1st Congressional District at issue in this case.

24. Plaintiff ERSLA PHELPS is a 43-year-old U.S. Citizen who has been an active Democratic voter in North Carolina for more than 10 years. Ms. Phelps is a Mortgage Operation Specialist for BB&T Bank. Ms. Phelps is a resident of Wilson County, and lives in the 2nd Congressional District at issue in this case.

25. Plaintiff JOHN QUINN, III is a 64-year-old U.S. Citizen who has been an active Democratic voter in North Carolina for more than 10 years. Mr. Quinn retired from the Federal Deposit Insurance Corporation over 11 years ago. He is a resident of

Buncombe County, and lives in the 10th Congressional District at issue in this case.

26. Plaintiff AARON SARVER is a 39-year-old U.S. Citizen who has been an active Democratic voter in North Carolina for nearly seven years. Mr. Sarver is the Communications Director at Campaign for Southern Equality. Mr. Sarver is a resident of Asheville, North Carolina, and lives in the 11th Congressional District at issue in this case.

27. Plaintiff JANIE SMITH SUMPTER is a 70-year-old U.S. citizen who has been an active voter registered as a Democrat in North Carolina since 1987. Mrs. Sumpter retired from the United States Postal Service in 2008. Mrs. Sumpter has been involved with voter education and registration throughout the State. Mrs. Sumpter is a resident of Mecklenburg County, North Carolina, and lives in the 12th Congressional District at issue in this case.

28. Plaintiff ELIZABETH TORRES-EVANS is a 61-year-old U.S. citizen who has been an active voter registered as a Democrat in North Carolina since 2002. Mrs. Torres-Evans has been a paralegal for approximately 20 years, and currently works in that capacity. Mrs. Torres-Evans is a resident of Granville County, North Carolina, and lives in the 1st Congressional District at issue in this case.

29. Plaintiff WILLIS WILLIAMS is a 74-year-old disabled veteran who has been an active Democratic voter in North Carolina for well over 50 years. Even during his military service, Mr. Williams voted absentee. Mr. Williams is a resident of Martin County, North Carolina, and lives in the 1st Congressional District at issue in this case.

30. The individual Plaintiffs have standing to bring this action. They are all registered voters and Democrats who support the public policies espoused by the Democratic Party and Democratic Party candidates. Along with other Democratic voters across the State, they have been harmed by the 2016 Plan's unconstitutional partisan gerrymandering because the Plan treats Democrats unequally based on their political beliefs and impermissibly burdens their rights of free speech and association. Some of the Plaintiffs have been packed into a handful of districts where Democratic voters make up enormous majorities, while others have been cracked among numerous districts where Democratic candidates are virtually certain to lose. Either way, the Plan's purpose and effect are to dilute Plaintiffs' electoral influence because of their political views.

31. Defendant ROBERT A. RUCHO is being sued in his official capacity as Chairman of the North Carolina Senate Redistricting Committee for the 2016 Extra Session and Co-Chairman of the 2016 Joint Select Committee on Congressional Redistricting.

32. Defendant DAVID R. LEWIS is being sued in his official capacity as Chairman of the North Carolina House of Representatives Redistricting Committee for the 2016 Extra Session and Co-Chairman of the 2016 Joint Select Committee on Congressional Redistricting.

33. Defendant TIMOTHY K. MOORE is being sued in his official capacity as Speaker of the North Carolina House of Representatives.

34. Defendant PHILIP E. BERGER is being sued in his official capacity as President Pro Tempore of the North Carolina Senate.

35. Defendant A. GRANT WHITNEY, JR. is being sued in his official capacity as Chairman of the North Carolina State Board of Elections.

36. Defendant NORTH CAROLINA STATE BOARD OF ELECTIONS is the agency responsible for the administration of the election laws of the State of North Carolina and charged with the duty of "general supervision over the primaries and elections in the State," N.C. Gen. Stat. § 163-22(a), including elections of the thirteen members of the United States House of Representatives from North Carolina.

37. Defendant STATE OF NORTH CAROLINA is a sovereign state in the United States.

STATEMENT OF FACTS

The 2016 Plan Was Enacted with the Intent of Discriminating Against Democrats

38. In 2001, pursuant to the North Carolina State Constitution, Art. II, § 3, the North Carolina General Assembly adopted a congressional district plan (the "2001 Plan") for the State's thirteen congressional districts.

39. Between 2001 and 2010, five congressional elections were held under the 2001 Plan (in 2002, 2004, 2006, 2008, and 2010). In all of these elections, the more successful party received between 51 and 55 percent of the statewide vote, and in all of the elections except one, the more successful party also won a

majority of the Plan's seats.[1] In 2002, Republicans won 52 percent of votes and seven of thirteen seats. In 2004, Republicans won 51 percent of votes and seven of thirteen seats. In 2006, Democrats won 52 percent of votes and seven of thirteen seats. In 2008, Democrats won 55 percent of votes and eight of thirteen seats. And in 2010, Republicans won 54 percent of votes and six of thirteen seats.

40. In 2011, the North Carolina General Assembly, now newly under unified Republican control, enacted a congressional district plan (the "2011 Plan") that radically reshaped the State's districts. As a three-judge panel of this Court eventually held, race was the predominant factor motivating the creation of two of the Plan's districts: the First and Twelfth Congressional Districts. *See Harris v. McCrory*, No. 1:13-CV-949, 2016 WL 482052 (M.D.N.C. Feb. 5, 2016), *appeal docketed*, No.15-1262 (U.S. Apr. 11, 2016).

41. Under the 2011 Plan, Democratic candidates won 51 percent of the statewide vote in 2012. However, ***Republican*** candidates won nine of thirteen seats (and nearly won a tenth seat, losing the Seventh Congressional District by just 654 votes). In 2014, Republican candidates won a narrow statewide majority of 54 percent of the vote. But this slim victory translated into a supermajority of ten of thirteen seats.[2]

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[1] The statewide vote shares reported in this paragraph are adjusted using imputations for uncontested races.

[2] Again, the statewide vote shares are adjusted to take into account uncontested races.

42. After the 2011 Plan was invalidated in *Harris*, the Republican leadership in the Legislature appointed a Joint Select Committee on Redistricting (the "Committee") to draft a new congressional district plan. This Committee, like its predecessor that designed the 2011 Plan, was chaired by Republican Senator Robert Rucho and Republican Representative David Lewis. The Committee was made up of 25 Republican legislators and 12 Democratic legislators.

43. On February 16, 2016, the Committee met to discuss the adoption of written redistricting criteria composed prior to the meeting by Senator Rucho and Representative Lewis. These criteria included ***"Partisan Advantage"***: "The partisan makeup of the congressional delegation under the enacted plan is ***10 Republicans and 3 Democrats***. The Committee shall make reasonable efforts to construct districts in the 2016 Contingent Congressional Plan to maintain the current partisan makeup of North Carolina's congressional delegation." *See* Contingent Congressional Plan Committee Adopted Criteria (attached hereto as Exhibit A).

44. The criteria also described the use of ***"Political Data"***: "The only data other than population data to be used to construct congressional districts shall be ***election results*** in statewide contests since January 1, 2008, not including the last two presidential contests. Data identifying the race of individuals or voters shall not be used in the construction or consideration of districts in the 2016 Contingent Congressional Plan." *See id.*

45. The "Partisan Advantage" and "Political Data" criteria amount to overt admissions that the 2016

Plan was intended to benefit Republicans and disadvantage Democrats. This conclusion is bolstered by Representative Lewis's comments at the February 16, 2016 Committee hearing. Discussing the "Partisan Advantage" criterion, he stated that its aim was that, "to the extent possible, the map drawers create a map which is perhaps likely ***to elect 10 Republicans and 3 Democrats***." North Carolina Joint Select Committee on Congressional Redistricting Hearing Transcript at 48 (Feb. 16, 2016) (attached hereto as Exhibit B). He added, "I acknowledge freely that ***this would be a political gerrymander***, which is not against the law." *Id.* He continued, "I propose that we draw the maps to give a partisan advantage to 10 Republicans and 3 Democrats because I do not believe it's possible to draw a map with 11 Republicans and 2 Democrats." *Id.* at 50.

46. Discussing the "Political Data" criterion, Representative Lewis stated that "to the extent [we] are going to use political data in drawing this map, ***it is to gain partisan advantage***." *Id.* at 54; *see also id.* ("making clear that our intent is to use . . . the political data we have to our partisan advantage"). He also explained the method through which political data would benefit Republicans. "[Y]ou would want to draw the lines so that more of the whole VTDs [Voter Tabulation Districts] voted for the Republican on the ballot than they did the Democrat." *Id.* at 57.

47. The Committee was compelled to vote on the adoption of the criteria on February 16, 2016, the very day on which its members (other than Senator Rucho and Representative Lewis) learned about the criteria's existence. *See* North Carolina Joint Select Committee

on Congressional Redistricting Hearing Transcript at 37 (Feb. 17, 2016) (attached hereto as Exhibit C). Unsurprisingly, all Democrats on the Committee voted against the criteria, while all Republicans voted in favor. Ex. B at 69.

48. After the criteria were adopted, the Committee's members were given only twenty-four hours to design maps based on them. Ex. C at 36. On February 17, 2016, the very next day, the Committee met again to consider a congressional district plan—the 2016 Plan—presented by Senator Rucho and Representative Lewis. The Committee approved the Plan on a straight party-line vote. *Id.* at 72.

49. On February 18, 2016, the 2016 Plan was introduced in and passed by the North Carolina Senate, with all Democrats voting against it and all Republicans voting in favor.

50. On February 19, 2016, the 2016 Plan was introduced in and passed by the North Carolina House of Representatives, with all Democrats voting against it and all Republicans voting in favor.

The 2016 Plan Has the Effect of Discriminating Against Democrats

The Efficiency Gap Captures the Extent of Partisan Gerrymandering

51. The Supreme Court has unanimously agreed that partisan gerrymandering can rise to the level of a constitutional violation. *See Vieth v. Jubelirer*, 541 U.S. 267, 293 (2004) (plurality opinion) ("[A]n ***excessive*** injection of politics is ***un***lawful. So it is, and so does our opinion assume.").

52. In *LULAC v. Perry*, 548 U.S. 399 (2006), a majority of the Justices expressed interest in a test for unconstitutional partisan gerrymandering based on the concept of ***partisan symmetry***. Partisan symmetry is a "require[ment] that the electoral system treat similarly-situated parties equally." *Id.* at 466 (Stevens, J., concurring in part and dissenting in part). In other words, a plan is symmetric when it creates a level playing field, giving neither major party a systematic advantage over its opponent in the conversion of electoral votes into legislative seats.

53. In *LULAC*, the Court considered one particular measure of partisan symmetry, called ***partisan bias***. Partisan bias refers to the divergence in the share of seats that each party would win given the same share (typically 50 percent) of the statewide vote. *See id.* at 419-20 (opinion of Kennedy, J.); *id.* at 466 (Stevens, J., concurring in part and dissenting in part).

54. Partisan bias is not the only measure of partisan symmetry. In recent years, political scientists and legal academics have developed a new symmetry metric, called the ***efficiency gap***. *See, e.g.*, Eric M. McGhee, *Measuring Partisan Bias in Single-Member District Electoral Systems*, 39 Legis. Stud. Q. 55 (2014); Nicholas O. Stephanopoulos & Eric M. McGhee, *Partisan Gerrymandering and the Efficiency Gap*, 82 U. Chi. L. Rev. 101 (2015); Expert Report of Prof. Simon D. Jackman in *Whitford v. Nichol*, No. 15-cv-421-bbc (July 7, 2015).

55. The efficiency gap is rooted in the insight that, given the constitutional requirement of equal population, there are only two ways to implement a

partisan gerrymander. First, a party's supporters can be ***cracked*** among a large number of districts so that they fall somewhat short of a majority in each one. These voters' preferred candidates then predictably lose each race. Second, a party's backers can be ***packed*** into a small number of districts in which they make up enormous majorities. These voters' preferred candidates then prevail by overwhelming margins. All partisan gerrymandering is accomplished through cracking and packing, which enable the party controlling the mapmaking to manipulate vote margins in its favor.

56. Both cracking and packing produce so-called ***"wasted" votes***—that is, votes that do not directly contribute to a candidate's election. When voters are cracked, their votes are wasted because they are cast for losing candidates. Similarly, when voters are packed, their votes are wasted to the extent they exceed the 50 percent-plus-one threshold required for victory (in a two-candidate race). Partisan gerrymandering can also be understood as the manipulation of wasted votes in favor of the gerrymandering party, so that it wastes fewer votes than its adversary.

57. The efficiency gap is ***the difference between the parties' respective wasted votes in an election, divided by the total number of votes cast***. Suppose, for example, that there are five districts in a plan with 100 voters each. Suppose also that Party A wins three of the districts by a margin of 60 votes to 40, and that Party B wins two of them by a margin of 80 votes to 20. Then Party A wastes 10 votes in each of the three districts it wins and 20 votes in

each of the two districts it loses, adding up to 70 wasted votes. Likewise, Party B wastes 30 votes in each of the two districts it wins and 40 votes in each of the three districts it loses, adding up to 180 wasted votes. The difference between the parties' respective wasted votes is 110, which, when divided by 500 total votes, yields an efficiency gap of 22 percent in favor of Party A.

58. The efficiency gap is ***not*** based on the principle that parties have a right to proportional representation based on their share of the statewide vote, nor does it measure the deviation from seat-vote proportionality. Instead, by aggregating all of a plan's cracking and packing into a single number, the efficiency gap measures a party's surplus seat share: the proportion of seats a party receives that it would ***not*** have received under a balanced plan in which both sides had approximately equal wasted votes. In the above example, for instance, the 22 percent efficiency gap in favor of Party A means that it won 22 percent more seats—that is, one more seat out of five—than it would have under a balanced plan.

The 2016 Plan Is an Outlier by State and National Standards

59. Over the 1972-2016 period—since the end of the reapportionment revolution of the 1960s—the distribution of congressional plans' efficiency gaps has been normal and has had a mean and a median close to zero. *See* Stephanopoulos & McGhee, *supra*, at 870. This indicates that neither major party has enjoyed an overall advantage in congressional redistricting for most of the modern era from 1972 to the present.

60. Recently, the average magnitude of the efficiency gap has increased sharply. This metric stayed roughly constant from 1972 to 2010. But in the current cycle, fueled by rising partisanship and greater technological sophistication, it has spiked to the highest level recorded in the modern era. *See id.* at 873. This means that the severity of today's partisan gerrymandering is historically unprecedented.

61. Between 1972 and the present, the partisan fairness of North Carolina's congressional plans went through three distinct phases. In the 1970s and 1980s, the plans substantially favored Democrats, with average efficiency gaps around 9 percent. In the 1990s and 2000s, the plans were almost perfectly balanced, with average efficiency gaps around 1 percent. And in the current cycle, both the 2011 Plan and the 2016 Plan massively advantaged Republicans. The 2011 Plan exhibited efficiency gaps larger than ***20 percent*** in 2012 and 2014. Similarly, the 2016 Plan produced an efficiency gap of ***19 percent*** in 2016. These are by far the worst scores observed in North Carolina's modern history.

62. To place these scores in a national context, they can be compared to the entire distribution of relevant congressional plans' efficiency gaps in the modern era (spanning more than 500 elections from 1972 to 2016). The 2011 Plan's efficiency gaps in 2012 and 2014 are in roughly the worst ***2 percent*** of this distribution, and generate the largest average of ***any*** plan in this period. The 2016 Plan's efficiency gap in 2016 is also in approximately the worst ***4 percent*** of the historical distribution, and the single worst score

of all relevant congressional plans in the country in 2016.

63. This conclusion is confirmed by partisan bias, the measure of partisan symmetry considered by the Supreme Court in *LULAC*. From the 1970s to the 2000s, North Carolina's congressional plans had average partisan biases that either modestly favored Democrats or were almost perfectly balanced. But in 2012 and 2014, the 2011 Plan exhibited pro-Republican partisan biases larger than ***25 percent***. In 2016, likewise, the 2016 Plan produced a pro-Republican partisan bias of ***27 percent***. Again, these scores are by far the worst in North Carolina's modern history and at the far edge of the nationwide distribution.

64. The 2016 election results also highlight ***how*** this extreme level of partisan unfairness was achieved: namely, the rampant cracking and packing of North Carolina's Democratic voters, resulting in their votes being disproportionately wasted. Among "cracked" districts in which the prevailing candidate received less than 60 percent of the vote, Republican candidates won ***all six*** of them (Districts 2, 5, 6, 8, 9, and 13). Conversely, the one "packed" district in which the prevailing candidate received more than 70 percent of the vote (District 1) was won by a Democratic candidate. Due to this systematic manipulation, Republican candidates won their ten seats by an average margin of 20 percentage points, while Democratic candidates won their three seats by an average margin of ***37 percentage points***.

The 2016 Plan's Partisan Asymmetry Is Highly Durable

65. Not only is the 2016 Plan highly asymmetric in its treatment of the major parties, but this asymmetry is nearly certain to persist under all plausible electoral environments. Since 1992, the Democratic statewide vote share in North Carolina congressional elections has fluctuated between roughly 45% and 55%. Over this range of conditions, under the Plan, Democrats would ***never*** win more than five out of thirteen districts—and, indeed, would keep winning just three seats even if voter sentiment swung by up to ***six points*** in their favor. Unsurprisingly, the Plan's pro-Republican efficiency gap would remain enormous across these scenarios, averaging 22%, peaking at 31%, and never falling below 15%.

66. The durability of the 2016 Plan's partisan skew can also be demonstrated through historical analysis of congressional plans nationwide. Based on the relationship between these plans' ***initial*** and ***lifetime average*** efficiency gaps over the last half-century, the Plan is virtually certain to exhibit a very large pro-Republican average efficiency gap over the period it is in effect. In fact, based on historical data, there is close to a ***zero percent*** chance that the Plan will, on average, favor Democratic candidates over its lifetime.

The 2016 Plan's Partisan Asymmetry Cannot Be Justified

67. Not only is the 2016 Plan an extreme and durable pro-Republican gerrymander, but these features cannot be justified by North Carolina's

political geography or legitimate redistricting objectives. The congressional plan in effect during the 2000s (the 2001 Plan) is proof. It complied with all federal and state legal requirements, but had an average efficiency gap of only ***2 percent***, or almost ***20 percentage points*** less than the 2011 Plan and the 2016 Plan.

68. Similar evidence that the 2016 Plan's partisan asymmetry is unjustifiable comes from hundreds of North Carolina congressional district plans created through a computer algorithm. These maps were designed using traditional redistricting criteria, and comply with federal and state legal requirements. ***All*** of the maps also have much smaller efficiency gaps than the 2016 Plan. In fact, the vast majority of the maps have efficiency gaps close to ***zero***.

FIRST CLAIM FOR RELIEF

(Denial of Equal Protection under the Fourteenth Amendment of the U.S. Constitution Pursuant to 42 U.S.C. § 1983)

69. Plaintiffs rely upon and incorporate the facts alleged in paragraphs 1-68 of this Complaint.

70. The 2016 Plan is a partisan gerrymander so extreme that it violates Plaintiffs' Fourteenth Amendment right to equal protection of the laws. The Plan intentionally, severely, durably, and unjustifiably cracks and packs Democratic voters, thus disproportionately wasting their votes and diluting their electoral influence. Accordingly, the Plan deprives Plaintiffs of their civil rights under color of state law in violation of the Fourteenth Amendment and 42 U.S.C. § 1983.

71. In *LULAC*, a majority of the Justices expressed interest in a partisan gerrymandering test based on the concept of partisan symmetry. *See, e.g.*, 548 U.S. at 420 (opinion of Kennedy, J.) (not "discounting its utility in redistricting planning and litigation"); *id.* at 466 (Stevens, J., concurring in part and dissenting in part) (symmetry "is widely accepted by scholars as providing a measure of partisan fairness in electoral systems"); *id.* at 483 (Souter, J., concurring in part and dissenting in part) (noting "the utility of a criterion of symmetry as a test"). Lower courts have recently confirmed the doctrinal availability—and significant promise—of such an approach. *See, e.g.*, *Whitford v. Nichol*, 151 F. Supp. 3d 918, 930-31 (W.D. Wis. 2015).

72. Plaintiffs propose a three-prong test for partisan gerrymandering that is rooted both in the concept of partisan symmetry and in well-established equal protection doctrine. The test's first prong asks whether a district plan was enacted with ***discriminatory intent***, that is, in order to engage in "intentional discrimination against an identifiable political group." *Davis v. Bandemer*, 478 U.S. 109, 127 (1986) (plurality opinion). This element is satisfied when a purpose motivating a map is to benefit one party or to disadvantage another party.

73. The test's second prong is whether a district plan has a ***discriminatory effect***, that is, whether it exhibits a high and durable level of partisan asymmetry relative to historical norms. This is the prong that takes advantage of the doctrinal opening created by the Court in *LULAC*. The element also parallels the core inquiry in one-person, one-vote

cases: whether the total population deviation of a plan's districts exceeds a reasonable threshold, such as 10 percent for state legislative plans. *See, e.g.*, *Brown v. Thomson*, 462 U.S. 835, 842-43 (1983).

74. Several measures of partisan symmetry exist, including the efficiency gap and partisan bias. The efficiency gap may be used in all electoral settings, while partisan bias is applicable only in competitive States. *See* Stephanopoulos & McGhee, *supra*, at 855-62.

75. The durability of a district plan's asymmetry may be assessed through sensitivity testing, that is, by shifting electoral conditions in both parties' directions and then recalculating the plan's asymmetry. If a plan's partisan imbalance would disappear given plausible electoral shifts, then the plan is not a resilient gerrymander. *See Bandemer*, 478 U.S. at 132-33 (plurality opinion).

76. As in the one-person, one-vote context, the courts may eventually set an asymmetry threshold, above which the effect prong is satisfied and below which it is not. But this threshold need not be set in the present case. *See Whitford v. Nichol*, 180 F. Supp. 3d 583, 597 (W.D. Wis. 2016).

77. Finally, the test's ***justification*** prong asks whether a district plan's large and durable asymmetry can be "justified by the State" based on the State's political geography or legitimate redistricting objectives. *Brown*, 462 U.S. at 843. Under this element, the burden of justification is on the State; it is the plan's ***asymmetry*** (not its general contours) that must be justified; and alternative maps are the most probative evidence. *See id.*

78. The 2016 Plan is plainly unconstitutional under Plaintiffs' proposed three-prong test for partisan gerrymandering. ***First***, the legislative leaders who proposed and enacted the Plan admit that it was intended to be a "political gerrymander" "likely to elect ten Republicans and three Democrats." The written criteria for the Plan's design confirm that "[t]he partisan makeup of the congressional delegation under the enacted plan is 10 Republicans and 3 Democrats."

79. ***Second***, the 2016 Plan's partisan asymmetry is virtually certain to be both extremely large and extremely durable. The Plan's predecessor exhibited pro-Republican efficiency gaps and partisan biases above 20 percent in both 2012 and 2014—by far the worst scores in North Carolina's modern history, and each in roughly the worst 2 percent of the entire historical distribution from 1972 to 2016. The Plan itself produced a pro-Republican efficiency gap of 19 percent and a pro-Republican partisan bias of 27 percent in 2016—scores almost exactly as severe. A variety of analyses also indicate that the Plan will remain heavily tilted in Republicans' favor for the remainder of the decade, even if Democratic or Republican waves (or any electoral outcomes less extreme than such waves) occur.

80. ***Third***, the State cannot justify the 2016 Plan's extreme and durable asymmetry based on the State's political geography or legitimate redistricting objectives. The highly balanced 2001 Plan shows that the State's geography and redistricting criteria are perfectly compatible with a high level of partisan symmetry. This conclusion is bolstered by the

hundreds of computer-drawn maps, all of which at least match the 2016 Plan in terms of federal and state legal requirements—and all of which exhibit far smaller efficiency gaps.

SECOND CLAIM FOR RELIEF

(Violation of the First Amendment Right to Freedom of Speech and Association Pursuant to 42 U.S.C. § 1983)

81. Plaintiffs rely upon and incorporate the facts alleged in paragraphs 1-80 of this Complaint.

82. Under the First Amendment, Plaintiffs have the right to express their political views, to associate with and advocate for the political party of their choice, and to participate in the political process. *See, e.g.*, *Elrod v. Burns*, 427 U.S. 347, 356 (1976) ("[P]olitical belief and association constitute the core of those activities protected."). Also under the First Amendment, "burdening or penalizing citizens because of their participation in the electoral process, their voting history, their association with a political party, or their expression of political views" is highly disfavored, *Vieth*, 541 U.S. at 314 (Kennedy, J., concurring in the judgment), and is subject to strict scrutiny, *see, e.g.*, *O'Hare Truck Serv., Inc. v. City of Northlake*, 518 U.S. 712, 717 (1996).

83. The 2016 Plan severely "burden[s] or penalize[es]" Democratic voters because of their political beliefs and association with the Democratic party by systematically cracking and packing them, and thus disproportionately wasting their votes and diluting their electoral influence. The Plan employs data about Democratic voters' political expression to retaliate against them and to prevent them from

meaningfully participating in the political process. This burden or penalty, moreover, is entirely intentional; in fact, its imposition was a central objective of the Plan's authors. The Plan's infringement of core First Amendment rights also cannot survive strict scrutiny because it does not advance ***any*** legitimate governmental interest, much less a ***compelling*** one.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that the Court:

1. Declare that the 2016 Plan is unconstitutional because it violates the rights of Plaintiffs, and all Democratic voters in North Carolina, under the First and Fourteenth Amendments of the United States Constitution;

2. Declare that the rights of Plaintiffs, and all Democratic voters in North Carolina, will be irreparably harmed without the intervention of this Court to secure those rights for the exercise thereof in a timely and meaningful manner;

3. Preliminarily and permanently enjoin Defendants, their agents, officers and employees, including clerks in all 100 North Carolina counties, from administering, preparing for, or moving forward with any future elections of North Carolina's congressional members using the 2016 Plan;

4. Establish a congressional district plan that complies with the United States Constitution and all federal and state legal requirements, if the North Carolina General Assembly and/or Governor fail to enact a new plan in a timely manner;

5. Make any and all orders that are just, necessary, and proper to preserve Plaintiffs' constitutional rights to equally participate in elections of congressional seats;

6. Award Plaintiffs their costs, disbursements and reasonable attorneys' fees incurred in bringing this action pursuant to 42 U.S.C. §§ 1988, 1973l(e); and

7. Grant any and all other relief this Court deems just and proper.

This the 10th day of February, 2017.

/s/Anita S. Earls
Anita S. Earls

* * *

Supplemental Declaration of Jowei Chen
League of Women Voters of North Carolina v. Rucho, No. 16-cv-1164 (M.D.N.C July 11, 2018) (ECF 129-2)

I, Jowei Chen, under penalty of perjury, declare the following:

1. I was asked by plaintiffs' counsel to use the following process to select one of the 3,000 North Carolina congressional maps I previously generated in this litigation as a demonstration plan for purposes of establishing standing: (1) Start with the 1,000 maps in Simulation Set 2, all of which protect more incumbents than the 2016 Plan and split fewer counties. (2) Of these maps, identify the ones that contain a district with a Black Voting Age Population above 40%. (3) Of these maps, identify the ones that contain seven Republican districts and six Democratic districts using Dr. Thomas Hofeller's seven-election average (and thus an efficiency gap near zero). (4) Of these maps, identify the one that has the most compact districts, on average, considering both Reock and Polsby-Popper compactness. In calculating the Black Voting Age Population of each district, I include only individuals who identify as single-race African-American.

2. This process led to the selection of Plan 297 in Simulation Set 2 (hereinafter: Plan 2-297). Maps of Plan 2-297 and the 2016 Plan are below, in which each district in each plan is shaded based on Dr. Hofeller's seven-election average. Individual maps of each of Plan 2-297's and the 2016 Plan's districts (also shaded using Dr. Hofeller's seven-election average) are included at the end of this declaration.

Plan 297 of Simulation Set 2

12 Split Counties	12 Split VTDs
Davidson (Districts 5 and 9)	19 (Rutherford City)
Franklin (Districts 11 and 12)	48 (Gaston City)
Gaston (Districts 2 and 3)	045 (Mecklenburg City)
Guilford (Districts 6 and 7)	48 (Rowan City)
Johnston (Districts 10 and 9)	90 (Davidson City)
Lee (Districts 7 and 8)	044 (Guilford City)
Mecklenburg (Districts 3 and 4)	D (Lee City)
Pitt (Districts 12 and 13)	10 (Robeson City)
Robeson (Districts 8 and 9)	PR08 (Johnston City)
Rowan (Districts 4 and 5)	06~01 (Wake City)
Rutherford (Districts 1 and 2)	19 (Franklin City)
Wake (Districts 10 and 11)	0101 (Pitt City)

Enacted 2016 Plan (SB 3)

13 Split Counties	12 Split VTDs
Bladen (Districts 7 and 9)	P26 (Bladen City)
Buncombe (Districts 10 and 11)	14.2 (Buncombe City)
Columbus (Districts 6 and 10)	29 (Columbus City)
Cumberland (Districts 8 and 9)	CC08 (Cumberland City)
Durham (Districts 1 and 4)	G71 (Guilford City)
Guilford (Districts 6 and 13)	FT (Iredell City)
Iredell (Districts 10 and 13)	PR26 (Johnston City)
Johnston (Districts 2 and 7)	007 (Mecklenburg City)
Mecklenburg (Districts 9 and 12)	1509 (Pitt City)
Pitt (Districts 1 and 3)	28 (Rowan City)
Rowan (Districts 8 and 13)	19 -05 (Wake City)
Wake (Districts 2 and 4)	PRTA (Wilson City)
Wilson (Districts 1 and 2)	

3. Like all of the maps in Simulation Set 2, Plan 2-297 protects 13 incumbents (compared to 11 in the 2016 Plan), splits 12 counties (compared to 13 in the 2016 Plan), splits 12 VTDs (the same as the 2016 Plan), and contains districts that are equal in population to within one person. Plan 2-297 further has an average Reock compactness score of 0.464 (compared to 0.337 in the 2016 Plan) and an average Polsby-Popper compactness score of 0.301 (compared to 0.242 in the 2016 Plan).

4. The below table provides additional information about each district in Plan 2-297: (1) its population; (2) its Black Voting Age Population share; (3) its partisan score using Dr. Hofeller's seven-election average; (4) its Reock compactness score; and (5) its Polsby-Popper compactness score.

Table 1: Characteristics of Districts in Plan 297 from Simulation Set 2 (Plan 2-297)

District	Total Population	Black Voting Age Population	District's Republican Vote Share (Hofeller Formula)	Reock Score	Polsby-Popper Score
1	733,499	3.89%	52.62%	0.320	0.324
2	733,499	10.16%	53.62%	0.553	0.326
3	733,499	27.79%	45.82%	0.516	0.237
4	733,499	19.09%	57.77%	0.574	0.448
5	733,498	8.53%	63.89%	0.359	0.276
6	733,499	22.60%	46.30%	0.522	0.320
7	733,499	22.98%	51.49%	0.481	0.248
8	733,499	28.24%	46.43%	0.398	0.246
9	733,498	18.78%	52.18%	0.661	0.300
10	733,499	22.79%	47.40%	0.393	0.249
11	733,498	22.80%	39.78%	0.418	0.269
12	733,499	41.42%	40.84%	0.486	0.327
13	733,499	20.79%	54.43%	0.490	0.343

5. Plaintiffs' counsel also provided me with a list of North Carolina precincts, in each of which either an individual plaintiff or a member of the League of Women Voters of North Carolina lives. The below table specifies the following information about each of these precincts: (1) in which district in the 2016 Plan the precinct is located; (2) what this district's partisan score is using Dr. Hofeller's seven-election average; (3) in which district in Plan 2-297 the precinct is located and (4) what this district's partisan score is using Dr. Hofeller's seven-election average.

Table 2:
Precincts in which Leagues of Women Voters of North Carolina Plaintiffs and Members Reside:

County	Precinct Name	Precinct's District in Enacted Plan (SB 5)	Republican Vote Share of Precinct's District in Enacted Plan (Hofeller Formula)	Precinct's District in Plan 2-297 of Simulation Set 2	Republican Vote Share of Precinct's District in Plan 2-297 of Simulation Set 2 (Hofeller Formula)
Washington	PLYMOUTH 1	1	51.17%	12	48.94%
Martin	ROBERSONVILLE	1	51.17%	12	48.94%
Wake	38-11	2	58.39%	11	52.76%
Wake	01-04	4	57.84%	10	47.40%
Forsyth	074	5	58.16%	6	49.39%
Guilford	MOUNT	6	54.48%	8	49.39%
Wayne	13	7	53.42%	12	48.94%
Moore	EUREKA/ WHISPERING PINES	8	59.13%	8	49.43%
Mecklenburg	89	9	58.64%	5	49.43%
Catawba	WEST NEWTON	10	58.17%	2	53.83%
Burke	DREXEL 01	11	57.11%	2	53.83%
Mecklenburg	30	12	58.63%	5	49.43%
Guilford	031	13	53.71%	8	49.39%

6. While I have carried out this analysis with respect to Plan 2-297, the results would be very similar under any of the maps I generated with seven Republican districts and six Democratic districts using Dr. Hofeller's seven-election average. Under any

of these maps, many Democratic voters, in many parts of North Carolina, would be placed in districts with significantly different partisan compositions than their districts under the 2016 Plan.

I declare under penalty of per,ury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

This 11th day of July, 2018.

[handwritten: signature]
Jowei Chen

Declaration of Dr. Jowei Chen
Common Cause v. Rucho, No. 16-cv-01026
(M.D.N.C. July 11, 2018) (ECF 130-2)

In connection with my March 1, 2017 expert report in this litigation, I turned over all data concerning 1,000 North Carolina congressional maps created as Simulation Set 1, produced using a computer simulation process following only the non-partisan portions of the Adopted Criteria used for the 2016 Plan. I also turned over all data concerning 1,000 additional congressional maps created as Simulation Set 2, produced using a simulation process following the non-partisan portions of the Adopted Criteria and avoiding the pairing of any incumbents.

On July 4, 2018, Counsel for Common Cause plaintiffs gave to me a list of the fifteen individual plaintiffs in this litigation and their respective residential addresses. I geocoded these addresses, determining the latitude and longitude coordinates of each plaintiff's residence.

I used these geocoded addresses in the following ways. For each plaintiff, I first identified the district from the enacted 2016 Plan (SB 2) in which the plaintiff was placed. Next, I identified the district from each of the 1,000 plans in Simulation Set 1 and each of the 1,000 plans in Simulation Set 2 in which each plaintiff is located. I then compared the partisan composition of the enacted district and the 2,000 computer-simulated districts in which each plaintiff resides. I describe these comparisons below.

Figure 1 compares the partisanship of each plaintiff's district in the enacted 2016 Plan to the partisanship of the plaintiff's district in each of the

1,000 plans in Simulation Set 1. In this Figure, the partisanship of each district is measured as the Republican vote share of all votes cast in North Carolina's 20 statewide elections held during 2008-2014 (the elections specified by the Adopted Criteria). This Figure contains a separate row for each plaintiff; Plaintiffs Richard and Cheryl Lee Taft are listed on the same row because they reside at the same address. Within each row, the red star denotes the partisanship of the plaintiffs' district in the enacted 2016 Plan, while the 1,000 gray circles depict the partisanship of plaintiff's district in each of the 1,000 plans in Simulation Set 1. Hence, for example, the bottom row in Figure 1 illustrates that in the enacted 2016 Plan, Plaintiff Larry Hall resides in a district with a Republican vote share of 29.2%; by contrast, most of the Simulation Set 1 plans would have placed this plaintiff into a district with a Republican vote share of 35% to 40%.

Figure 2 also compares the partisanship of each plaintiff's enacted plan district to the partisanship of the plaintiff's district in each of the 1,000 Simulation Set 1 plans. However, Figure 2 measures the partisanship of each district using Dr. Thomas Hofeller's seven-election formula (the "Hofeller formula"), which calculates the Republican share of votes cast in seven statewide elections held during 2008-2014.

Next, Figure 3 compares the partisanship of each plaintiff's district in the enacted 2016 Plan to the partisanship of the plaintiff's district in each of the 1,000 plans in Simulation Set 2, with district partisanship measured as the Republican vote share

of all votes cast in North Carolina's 20 statewide elections held during 2008-2014. Finally, Figure 4 again compares the partisanship of each plaintiff's enacted plan district to the partisanship of the plaintiff's district in each of the 1,000 Simulation Set 2 plans. However, Figure 4 measures the partisanship of each district using the Hofeller formula.

Figure 1:

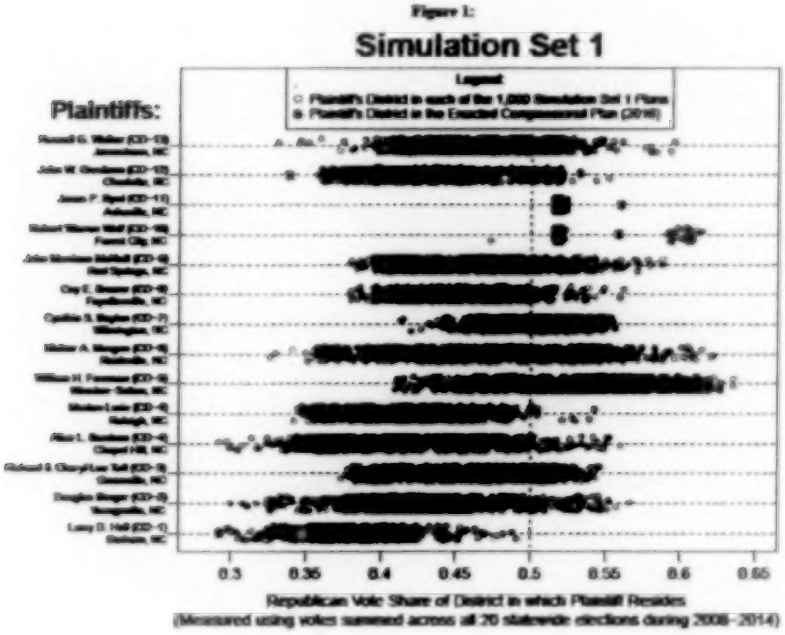


Figure 2:

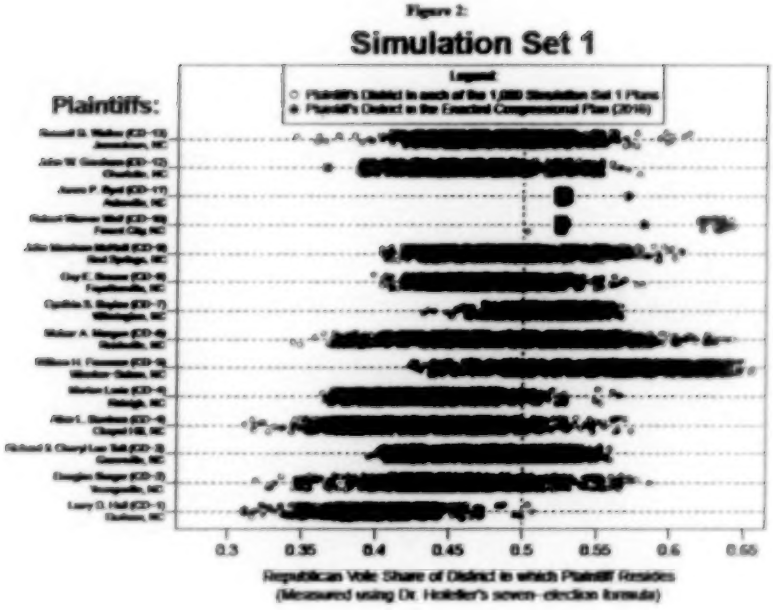

Simulation Set 1
Plaintiffs:
0.3
0.35
0.4
0.45
0.5
0.55
0.6
0.65
Republican Vote Share of District in which Plaintiff Resides
(Measured using Dr. Hofeller's seven-election formula)

Figure 3:

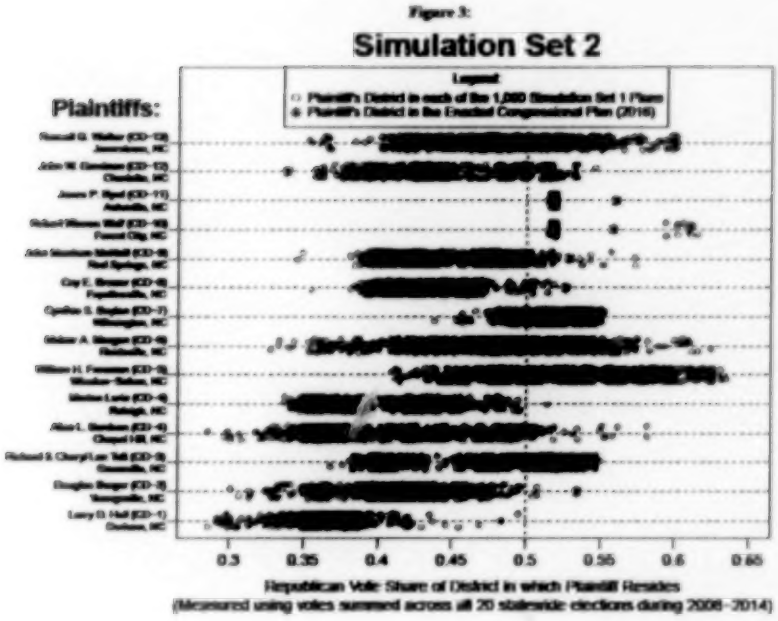
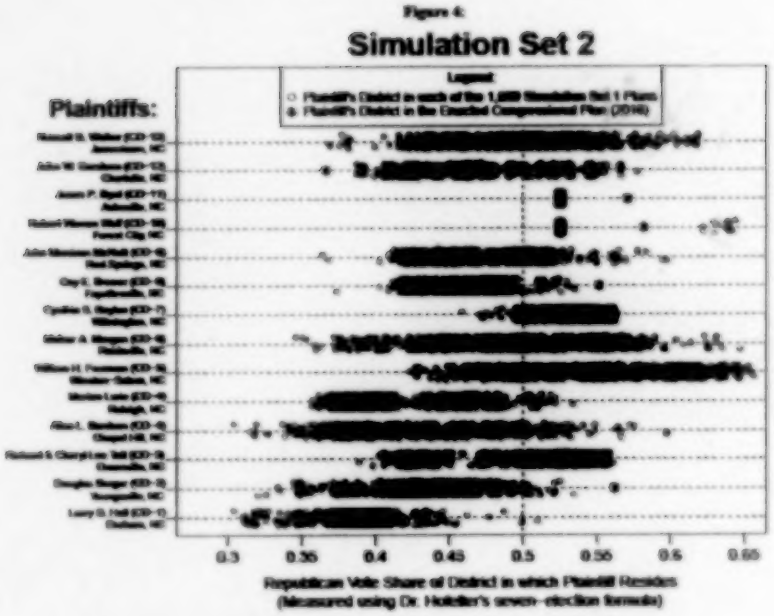

Simulation Set 2
Legend
Plaintiffs:
0.3
0.35
0.4
0.45
0.5
0.55
0.6
0.65
Republican Vote Share of District in which Plaintiff Resides
(Measured using votes summed across all 20 statewide elections during 2008 - 2014)

Figure 4:



Comparison of Enacted and Simulated Districts for Individual Plaintiffs:

Plaintiff Larry Hall resides in Congressional District 1 of the Enacted 2016 Plan, and this enacted district has a 31.2% Republican vote share, as measured by the Hofeller formula. In Simulation Set 1, 999 of 1,000 simulated plans (99.9%) placed this plaintiff into a less Democratic-leaning district, as measured by the Hofeller formula. In Simulation Set 2, 998 of 1,000 simulated plans (99.8%) placed this plaintiff into a less Democratic-leaning district, as measured by the Hofeller formula.

Plaintiff Douglas Berger resides in Congressional District 2 of the Enacted 2016 Plan, and this enacted district has a 56.2% Republican vote share, as measured by the Hofeller formula. In Simulation Set

1, 986 of 1,000 simulated plans (98.6%) placed this plaintiff into a more Democratic-leaning district, as measured by the Hofeller formula. In Simulation Set 2, all 1,000 simulated plans (100%) placed this plaintiff into a more Democratic-leaning district, as measured by the Hofeller formula.

Plaintiffs Richard and Cheryl Taft reside in Congressional District 3 of the Enacted 2016 Plan, and this enacted district has a 54.9% Republican vote share, as measured by the Hofeller formula. In Simulation Set 1, 988 of 1,000 simulated plans (98.8%) placed this plaintiff into a more Democratic-leaning district, as measured by the Hofeller formula. In Simulation Set 2, 938 of 1,000 simulated plans (93.8%) placed this plaintiff into a more Democratic-leaning district, as measured by the Hofeller formula.

Plaintiff Alice Bordsen resides in Congressional District 4 of the Enacted 2016 Plan, and this enacted district has a 37.7% Republican vote share, as measured by the Hofeller formula. In Simulation Set 1, 829 of 1,000 simulated plans (82.9%) placed this plaintiff into a less Democratic-leaning district, as measured by the Hofeller formula. In Simulation Set 2, 770 of 1,000 simulated plans (77.0%) placed this plaintiff into a less Democratic-leaning district, as measured by the Hofeller formula.

Plaintiff Morton Lurie resides in Congressional District 4 of the Enacted 2016 Plan, and this enacted district has a 37.7% Republican vote share, as measured by the Hofeller formula. In Simulation Set 1, 959 of 1,000 simulated plans (95.9%) placed this plaintiff into a less Democratic-leaning district, as measured by the Hofeller formula. In Simulation Set

2, 864 of 1,000 simulated plans (86.4%) placed this plaintiff into a less Democratic-leaning district, as measured by the Hofeller formula.

Plaintiff William Freeman resides in Congressional District 5 of the Enacted 2016 Plan, and this enacted district has a 56.1% Republican vote share, as measured by the Hofeller formula. In Simulation Set 1, 425 of 1,000 simulated plans (42.5%) placed this plaintiff into a more Democratic-leaning district, as measured by the Hofeller formula. In Simulation Set 2, 606 of 1,000 simulated plans (60.6%) placed this plaintiff into a more Democratic-leaning district, as measured by the Hofeller formula.

Plaintiff Melzer Morgan resides in Congressional District 6 of the Enacted 2016 Plan, and this enacted district has a 54.5% Republican vote share, as measured by the Hofeller formula. In Simulation Set 1, 768 of 1,000 simulated plans (76.8%) placed this plaintiff into a more Democratic-leaning district, as measured by the Hofeller formula. In Simulation Set 2, 790 of 1,000 simulated plans (79.0%) placed this plaintiff into a more Democratic-leaning district, as measured by the Hofeller formula.

Plaintiff Cynthia Boylan resides in Congressional District 7 of the Enacted 2016 Plan, and this enacted district has a 53.4% Republican vote share, as measured by the Hofeller formula. In Simulation Set 1, 765 of 1,000 simulated plans (76.5%) placed this plaintiff into a more Democratic-leaning district, as measured by the Hofeller formula. In Simulation Set 2, 514 of 1,000 simulated plans (51.4%) placed this plaintiff into a more Democratic-leaning district, as measured by the Hofeller formula.

Plaintiff Coy Brewer resides in Congressional District 8 of the Enacted 2016 Plan, and this enacted district has a 55.1% Republican vote share, as measured by the Hofeller formula. In Simulation Set 1, 989 of 1,000 simulated plans (98.9%) placed this plaintiff into a more Democratic-leaning district, as measured by the Hofeller formula. In Simulation Set 2, 1,000 of 1,000 simulated plans (100%) placed this plaintiff into a more Democratic-leaning district, as measured by the Hofeller formula.

Plaintiff John McNeill resides in Congressional District 9 of the Enacted 2016 Plan, and this enacted district has a 56.0% Republican vote share, as measured by the Hofeller formula. In Simulation Set 1, 959 of 1,000 simulated plans (95.9%) placed this plaintiff into a more Democratic-leaning district, as measured by the Hofeller formula. In Simulation Set 2, 990 of 1,000 simulated plans (99.0%) placed this plaintiff into a more Democratic-leaning district, as measured by the Hofeller formula.

Plaintiff Robert Wolf resides in Congressional District 10 of the Enacted 2016 Plan, and this enacted district has a 58.2% Republican vote share, as measured by the Hofeller formula. In Simulation Set 1, 970 of 1,000 simulated plans (97.0%) placed this plaintiff into a more Democratic-leaning district, as measured by the Hofeller formula. In Simulation Set 2, 985 of 1,000 simulated plans (98.5%) placed this plaintiff into a more Democratic-leaning district, as measured by the Hofeller formula.

Plaintiff Jones Byrd resides in Congressional District 11 of the Enacted 2016 Plan, and this enacted district has a 57.1% Republican vote share, as

measured by the Hofeller formula. In Simulation Set 1, 1,000 of 1,000 simulated plans (100%) placed this plaintiff into a more Democratic-leaning district, as measured by the Hofeller formula. In Simulation Set 2, 1,000 of 1,000 simulated plans (100%) placed this plaintiff into a more Democratic-leaning district, as measured by the Hofeller formula.

Plaintiff John Gresham resides in Congressional District 12 of the Enacted 2016 Plan, and this enacted district has a 36.6% Republican vote share, as measured by the Hofeller formula. In Simulation Set 1, 1,000 of 1,000 simulated plans (98.6%) placed this plaintiff into a less Democratic-leaning district, as measured by the Hofeller formula. In Simulation Set 2, 1,000 of 1,000 simulated plans (100%) placed this plaintiff into a less Democratic-leaning district, as measured by the Hofeller formula.

Plaintiff Russell Walker resides in Congressional District 3 of the Enacted 2016 Plan, and this enacted district has a 53.7% Republican vote share, as measured by the Hofeller formula. In Simulation Set 1, 1,000 of 1,000 simulated plans (100%) placed this plaintiff into a more Democratic-leaning district, as measured by the Hofeller formula. In Simulation Set 2, 1,000 of 1,000 simulated plans (100%) placed this plaintiff into a more Democratic-leaning district, as measured by the Hofeller formula.

Partisanship of Plaintiffs' Districts in Plan 297 of Simulation Set 2:

At the instruction of counsel for the Common Cause plaintiffs, I report in Table 1 below the partisanship of the districts from Plan 297 of Simulation Set 2 in which each of the 15 Common

Cause plaintiffs reside. Table 1 contains one row for each plaintiff. The fifth column of this table reports the partisanship of the Plan 297 district in which each plaintiff resides. The third column of this table reports the partisanship of the district in the Enacted 2016 Plan in which each plaintiff resides. As before, district partisanship is measured in this table using the Hofeller formula.

Table 1: Partisanship of Plaintiffs' Districts in Plan 1-297 and in the Enacted Plan

Plaintiff	Plaintiff's District in Enacted Plan (SB 2)	Republican Vote Share of Plaintiff's District in Enacted Plan (Hofeller Formula)	Plaintiff's District in Plan 297 of Simulation Set 2	Republican Vote Share of Plaintiff's District in Plan 297 of Simulation Set 2 (Hofeller Formula)
Larry D. Hall	1	31.17%	11	38.78%
Douglas Berger	2	56.20%	12	40.64%
Richard & Cheryl Lee Tait	3	54.82%	13	54.43%
Alice L. Bordsen	4	37.68%	11	38.78%
Marion Lurie	4	37.68%	11	38.78%
William H. Freeman	5	56.15%	6	49.30%
Mildred A. Morgan	6	54.46%	7	51.46%
Cynthia S. Boylan	7	53.42%	9	52.18%
Coy E. Brewer	8	55.13%	8	46.43%
John Morrison McNeill	9	56.04%	8	46.43%
Robert Warren Wolf	10	58.17%	1	52.62%
James P. Byrd	11	57.11%	1	52.62%
John W. Gresham	12	36.83%	3	45.82%
Russell G. Walker	13	53.71%	6	49.30%

I declare under penalty of perjury under the laws of the United States that he foregoing is true and correct to the best of my knowledge.

This 11th day of July, 2018.

[handwritten: signature]
Jowei Chen

Excerpts from Expert Report of Jowei Chen (Mar. 1, 2017) (Joint Plaintiffs' Exh. 2010)

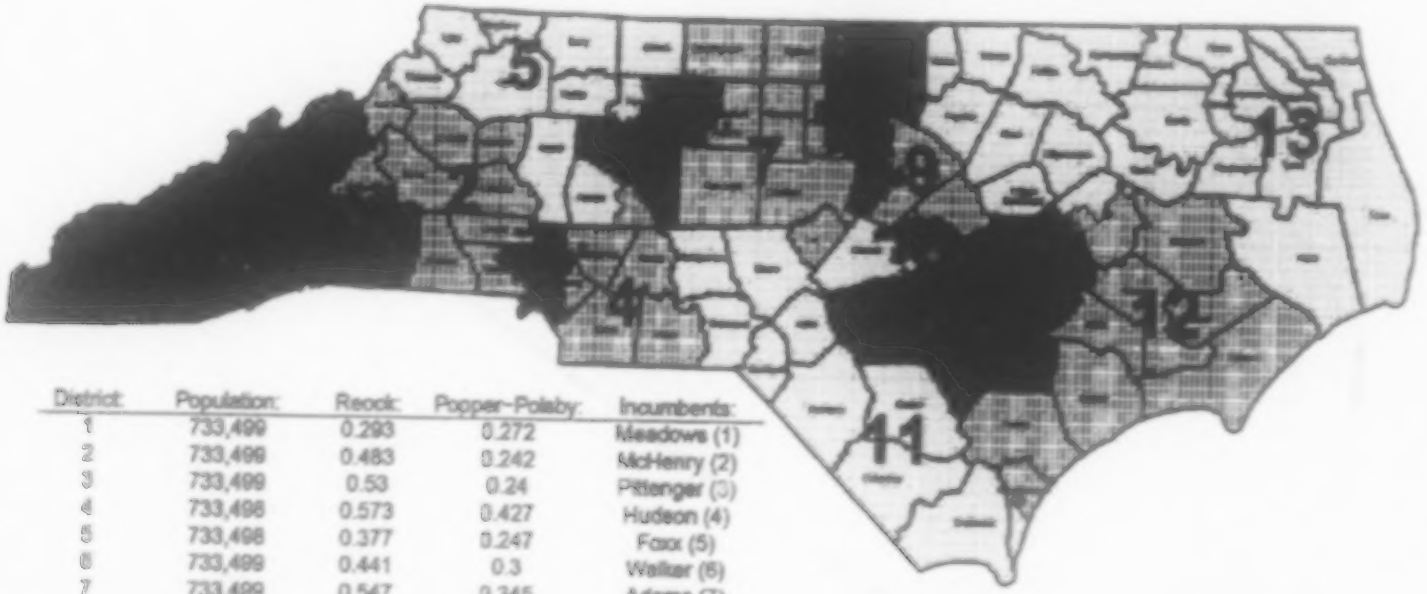
Table 1: Summary of Three Sets of Simulated Districting Plans and Enacted SB 2 Plan

	Senate Bill 2:	Simulation Set 1:	Simulation Set 2:	Simulation Set 3:
Description:	General Assembly's Enacted Plan	Simulated maps only follow traditional districting criteria	Maps protect all 13 incumbents and otherwise follow traditional districting criteria	Maps intentionally match SB 2 plan on 13 county splits and 11 protected incumbents
Total Number of Simulated Plans:		1,000 simulations	1,000 simulations	1,000 simulations
Number of Split Counties:	13	12 (1,000 simulations)	12 (1,000 simulations)	13 (1,000 simulations)
Number of Split VTDs:	12	12 (1,000 simulations)	12 (1,000 simulations)	12 (1,000 simulations)
Incumbents Protected:	11	2 to 11	13 (1,000 simulations)	11 (1,000 simulations)
Average Reock Score (Compactness):	0.3377	0.372 to 0.430	0.371 to 0.466	0.347 to 0.453
Average Popper-Polsby Score (Compactness):	0.2418	0.253 to 0.312	0.250 to 0.310	0.249 to 0.313
Number of Republican Districts (Modular Percentile):	10	5 (32 simulations) 6 (324 simulations) 7 (456 simulations) 8 (177 simulations) 9 (11 simulations)	5 (9 simulations) 6 (194 simulations) 7 (539 simulations) 8 (258 simulations) 9 (19 simulations)	4 (1 simulations) 5 (33 simulations) 6 (267 simulations) 7 (530 simulations) 8 (169 simulations) 9 (9 simulations)

Figure 1
(See Insert Next Page)

Figure 1:

Example of a Computer-Simulated Districting Plan
Drawn to Optimize Geographic Compactness and Protect All 13 Incumbents

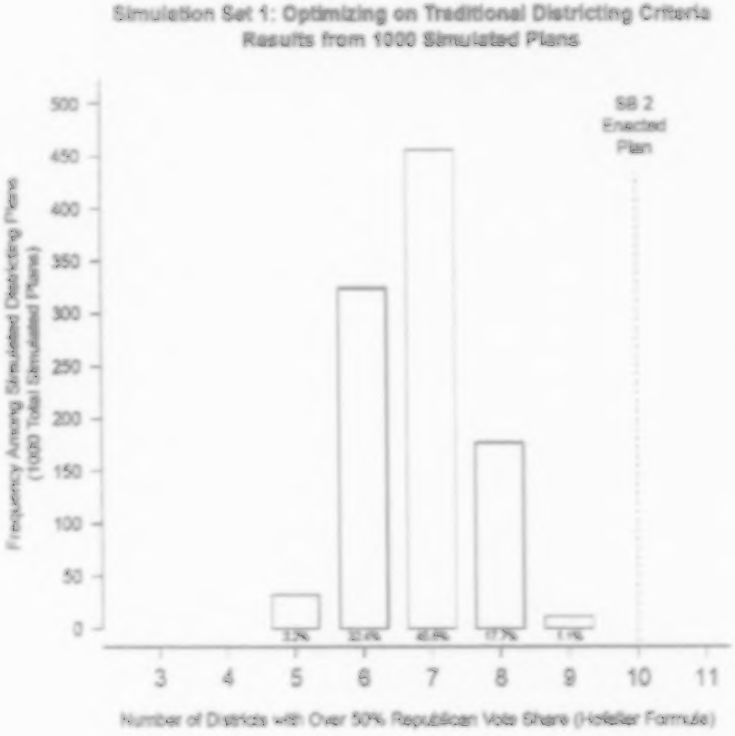


District:	Population:	Reock:	Popper-Polsby:	Incumbents:
1	733,499	0.293	0.272	Meadows (1)
2	733,499	0.483	0.242	McHenry (2)
3	733,499	0.53	0.24	Pittenger (3)
4	733,498	0.573	0.427	Hudson (4)
5	733,498	0.377	0.247	Foxx (5)
6	733,499	0.441	0.3	Walker (6)
7	733,499	0.547	0.345	Adams (7)
8	733,498	0.467	0.259	Price (8)
9	733,499	0.43	0.243	Holding (9)
10	733,499	0.451	0.243	Rouzer (10)
11	733,499	0.273	0.2	Ellmers (11)
12	733,499	0.39	0.263	Jones (12)
13	733,498	0.357	0.41	Butterfield (13)
Plan Average:	733,498.7	0.432	0.284	

12 Split Counties:	12 Split VTD's:
Forsyth (Districts 5 and 6)	37111GLENWD
Gaston (Districts 2 and 3)	3707141
Guilford (Districts 6 and 7)	37119045
Harnett (Districts 10 and 11)	3715913
Johnston (Districts 10 and 9)	37067062
McDowell (Districts 1 and 2)	37081G26
Mecklenburg (Districts 3 and 4)	37136BJ
New Hanover (Districts 11 and 12)	3718309-05
Orange (Districts 7 and 8)	37101PR12
Pitt (Districts 12 and 13)	37085PR24
Rowan (Districts 4 and 5)	37129W18
Wake (Districts 8 and 9)	3714700501

Figure 2
(See Insert Next Page)

Figure 2:


Simulation Set 1: Optimizing on Traditional Districting Criteria
Results from 1000 Simulated Plans
Frequency Among Simulated Districting Plans
(1000 Total Simulated Plans)
SB 2
Enacted
Plan
0
50
100
150
200
250
300
350
400
450
500
3
4
5
6
7
8
9
10
11
Number of Districts with Over 50% Republican Vote Share (Hofeller Formula)

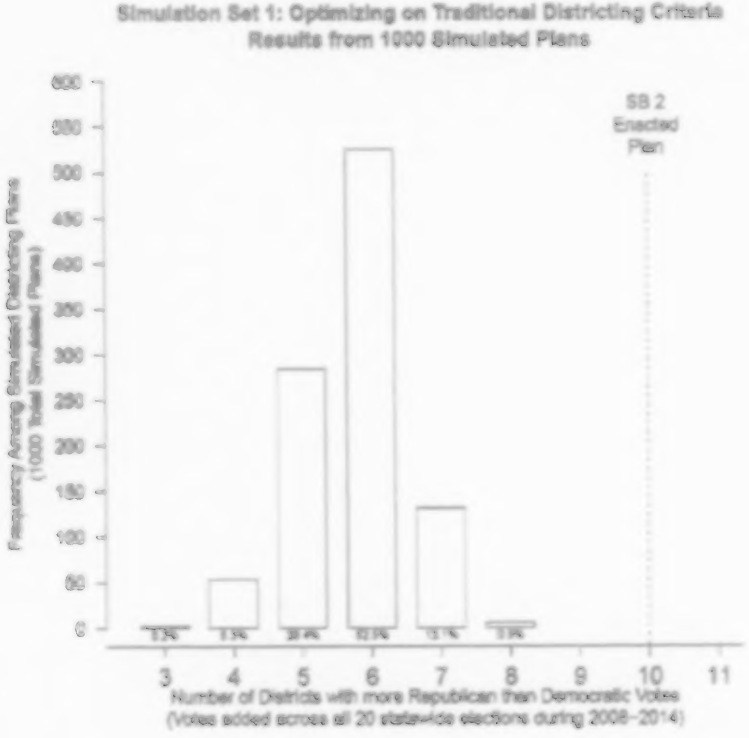
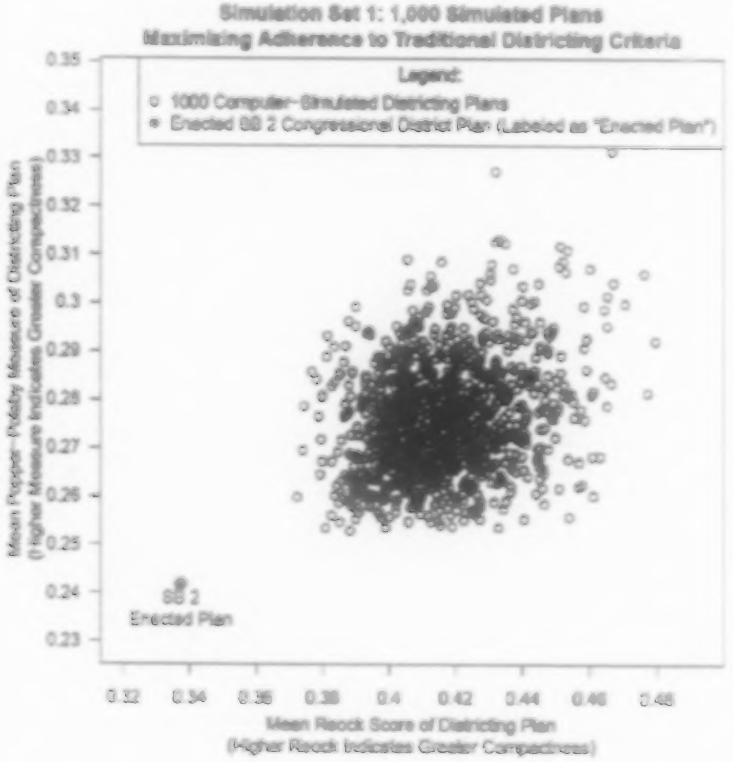

Simulation Set 1: Optimizing on Traditional Districting Criteria
Results from 1000 Simulated Plans
Frequency Among Simulated Districting Plans
(1000 Total Simulated Plans)
SB 2
Enacted
Plan
0
50
100
150
200
250
300
350
400
450
500
550
600
3
4
5
6
7
8
9
10
11
Number of Districts with more Republican than Democratic Votes
(Votes added across all 20 statewide elections during 2008–2014)

Figure 3
(See Insert Next Page)

Figure 3:


Simulation Set 1: 1,000 Simulated Plans
Maximizing Adherence to Traditional Districting Criteria
Legend:
1000 Computer-Simulated Districting Plans
Enacted SB 2 Congressional District Plan (Labeled as "Enacted Plan")
Mean Polsby-Popper (Polsby Measure of Districting Plan
(Higher Measure Indicates Greater Compactness)
Mean Reock Score of Districting Plan
(Higher Reock Indicates Greater Compactness)
SB 2
Enacted Plan

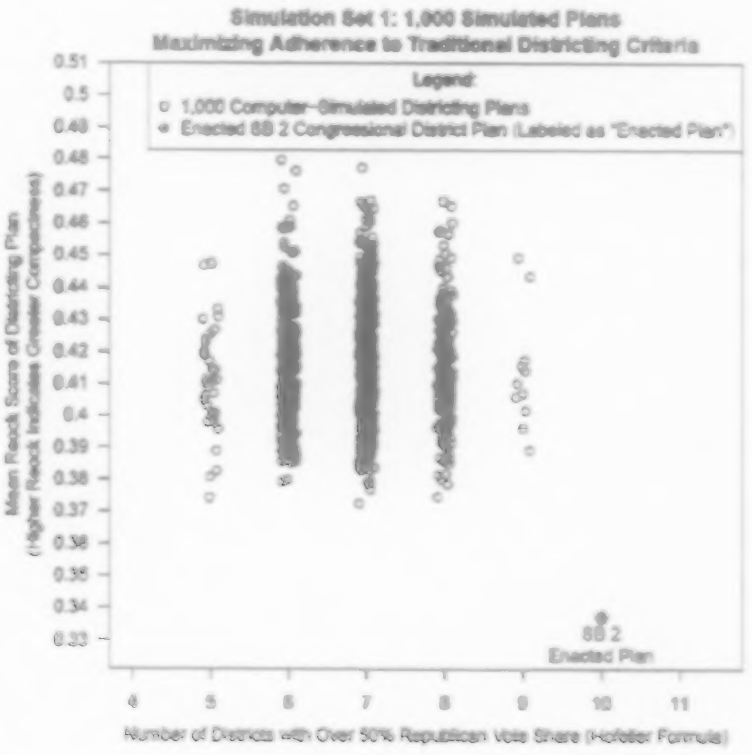
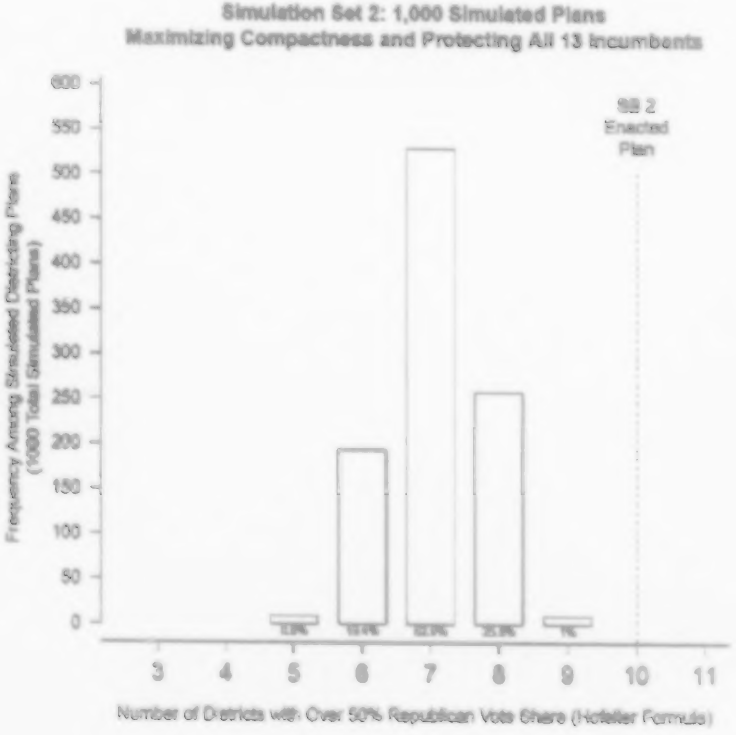

Simulation Set 1: 1,000 Simulated Plans
Maximizing Adherence to Traditional Districting Criteria
Legend:
1,000 Computer-Simulated Districting Plans
Enacted SB 2 Congressional District Plan (Labeled as "Enacted Plan")
Mean Reock Score of Districting Plan
(Higher Reock Indicates Greater Compactness)
SB 2
Enacted Plan
Number of Districts with Over 50% Republican Vote Share (Hofeller Formula)

Figure 4

(See Insert Next Page)

Figure 4:


Simulation Set 2: 1,000 Simulated Plans
Maximizing Compactness and Protecting All 13 Incumbents
SB 2
Enacted
Plan
Frequency Among Simulated Districting Plans
(1000 Total Simulated Plans)
0
50
100
150
200
250
300
350
400
450
500
550
600
3
4
5
6
7
8
9
10
11
Number of Districts with Over 50% Republican Vote Share (Hofeller Formula)

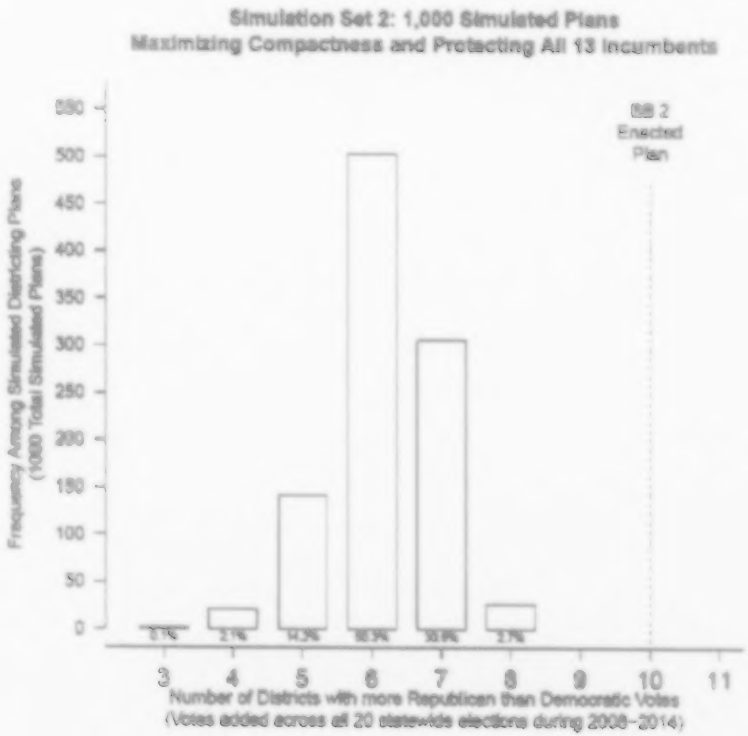
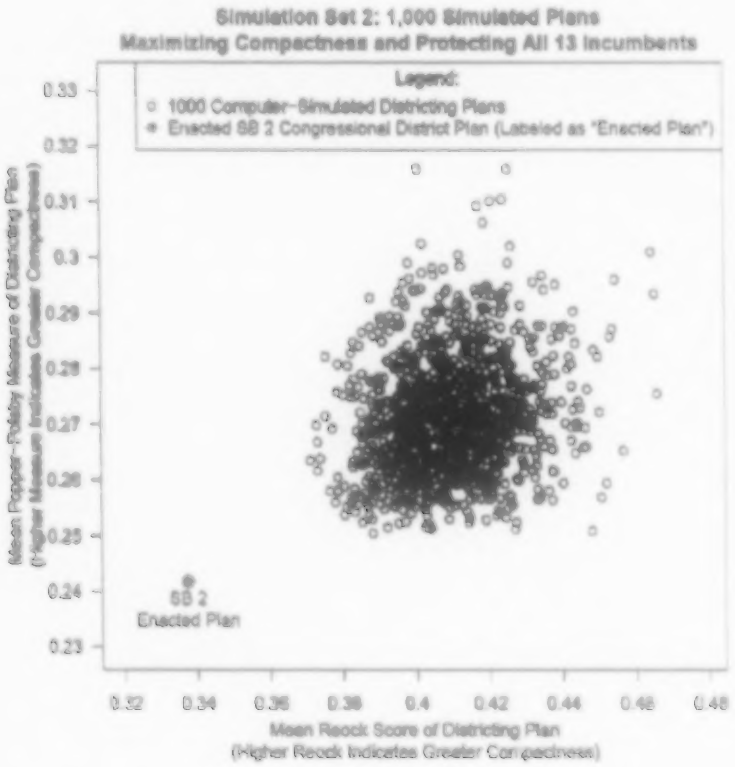

Simulation Set 2: 1,000 Simulated Plans
Maximizing Compactness and Protecting All 13 Incumbents
SB 2
Enacted
Plan
Frequency Among Simulated Districting Plans
(1000 Total Simulated Plans)
0
50
100
150
200
250
300
350
400
450
500
3
4
5
6
7
8
9
10
11
Number of Districts with more Republican than Democratic Votes
(Votes added across all 20 statewide elections during 2008–2014)

Figure 5
(See Insert Next Page)

Figure 5:


Simulation Set 2: 1,000 Simulated Plans
Maximizing Compactness and Protecting All 13 Incumbents
Legend:
1000 Computer-Simulated Districting Plans
Enacted SB 2 Congressional District Plan (Labeled as "Enacted Plan")
Mean Popper-Polsby Measure of Districting Plan
(Higher Measure Indicates Greater Compactness)
SB 2
Enacted Plan
Mean Reock Score of Districting Plan
(Higher Reock Indicates Greater Compactness)

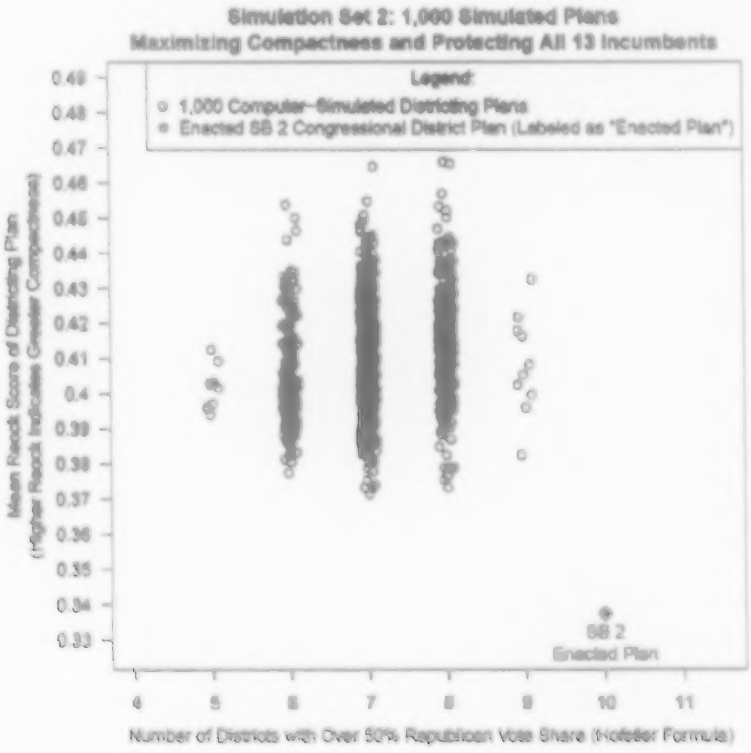
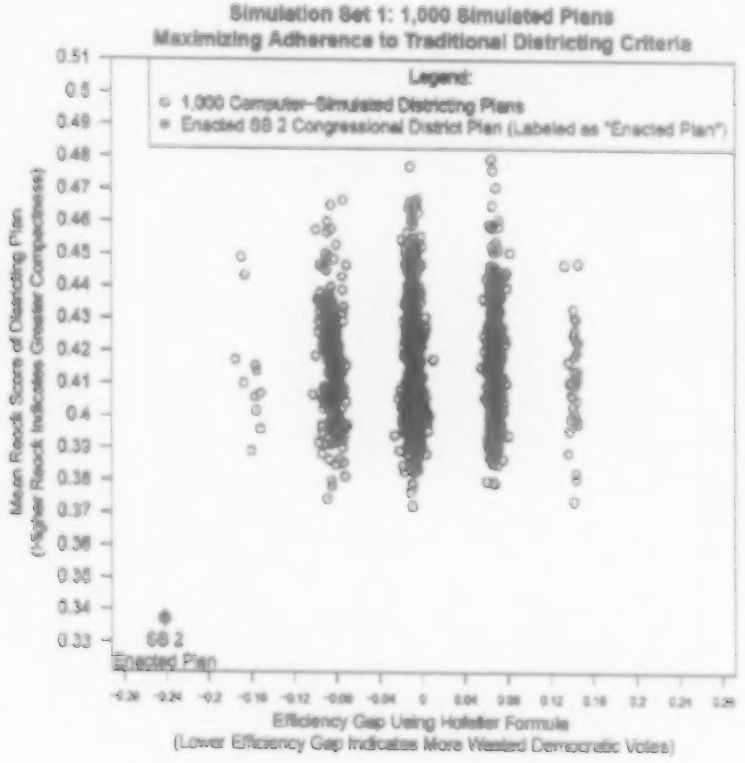

Simulation Set 2: 1,000 Simulated Plans
Maximizing Compactness and Protecting All 13 Incumbents
Legend:
1,000 Computer-Simulated Districting Plans
Enacted SB 2 Congressional District Plan (Labeled as "Enacted Plan")
Mean Reock Score of Districting Plan
(Higher Reock Indicates Greater Compactness)
SB 2
Enacted Plan
Number of Districts with Over 50% Republican Vote Share (Hofeller Formula)

Figure 9

(See Insert Next Page)

Figure 9:


Simulation Set 1: 1,000 Simulated Plans
Maximizing Adherence to Traditional Districting Criteria
Legend:
1,000 Computer-Simulated Districting Plans
Enacted SB 2 Congressional District Plan (Labeled as "Enacted Plan")
Mean Reock Score of Districting Plan
(Higher Reock Indicates Greater Compactness)
SB 2
Enacted Plan
Efficiency Gap Using Hofeller Formula
(Lower Efficiency Gap Indicates More Wasted Democratic Votes)

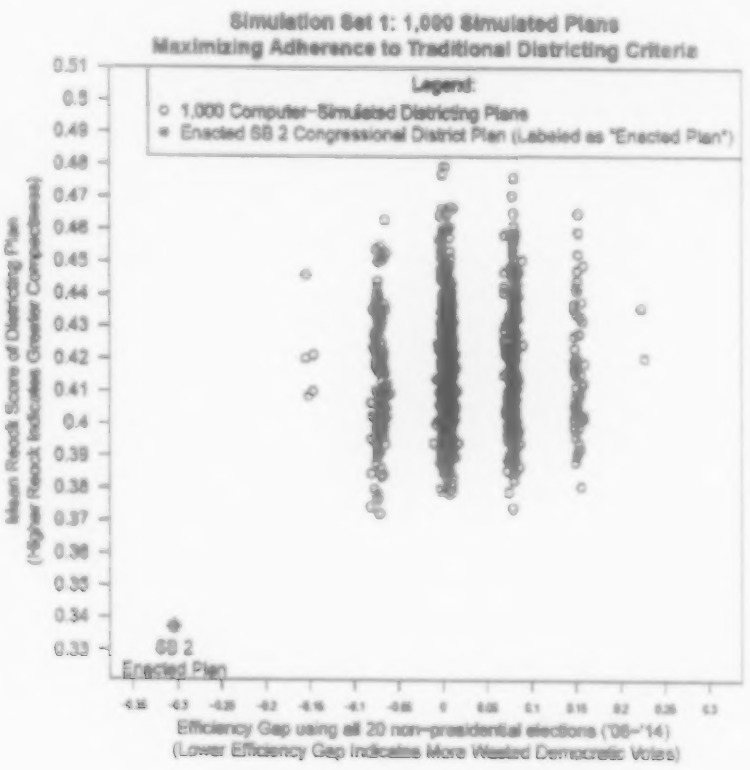
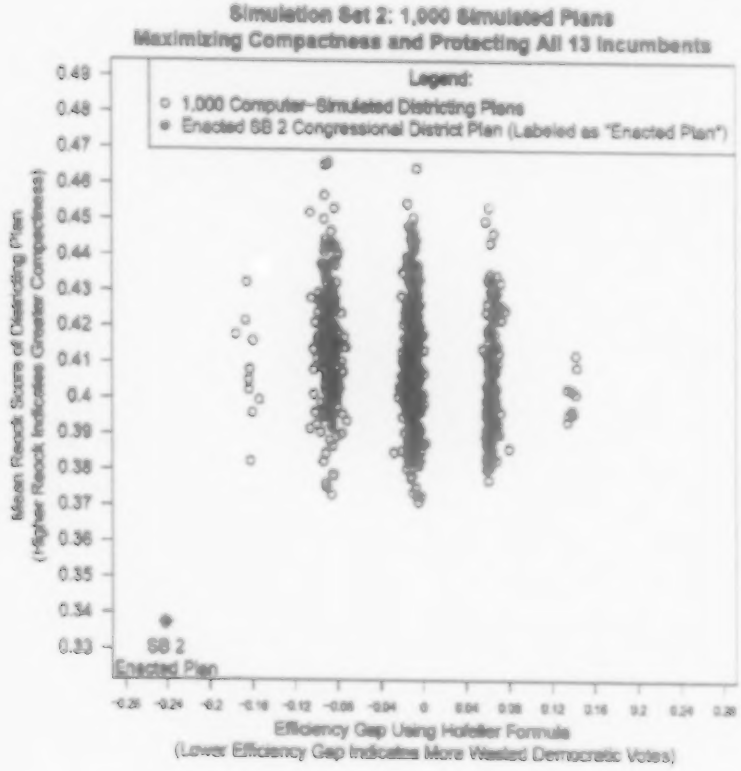

Simulation Set 1: 1,000 Simulated Plans
Maximizing Adherence to Traditional Districting Criteria
Legend:
1,000 Computer-Simulated Districting Plans
Enacted SB 2 Congressional District Plan (Labeled as "Enacted Plan")
Mean Reock Score of Districting Plan
(Higher Reock Indicates Greater Compactness)
SB 2
Enacted Plan
Efficiency Gap using all 20 non-presidential elections ('08-'14)
(Lower Efficiency Gap Indicates More Wasted Democratic Votes)

Figure 10

(See Insert Next Page)

Figure 10:


Simulation Set 2: 1,000 Simulated Plans
Maximizing Compactness and Protecting All 13 Incumbents
Legend:
1,000 Computer-Simulated Districting Plans
Enacted SB 2 Congressional District Plan (Labeled as "Enacted Plan")
Mean Reock Score of Districting Plan
(Higher Reock Indicates Greater Compactness)
SB 2
Enacted Plan
Efficiency Gap Using Hofeller Formula
(Lower Efficiency Gap Indicates More Wasted Democratic Votes)

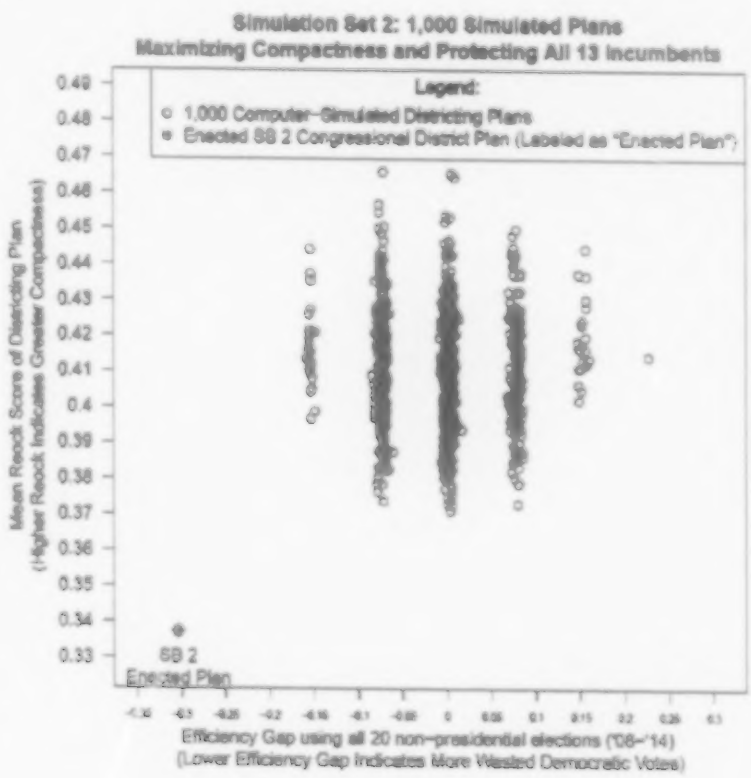

Simulation Set 2: 1,000 Simulated Plans
Maximizing Compactness and Protecting All 13 Incumbents
Legend:
1,000 Computer-Simulated Districting Plans
Enacted SB 2 Congressional District Plan (Labeled as "Enacted Plan")
Mean Reock Score of Districting Plan
(Higher Reock Indicates Greater Compactness)
SB 2
Enacted Plan
Efficiency Gap using all 20 non-presidential elections ('08-'14)
(Lower Efficiency Gap Indicates More Wasted Democratic Votes)

Figure 12
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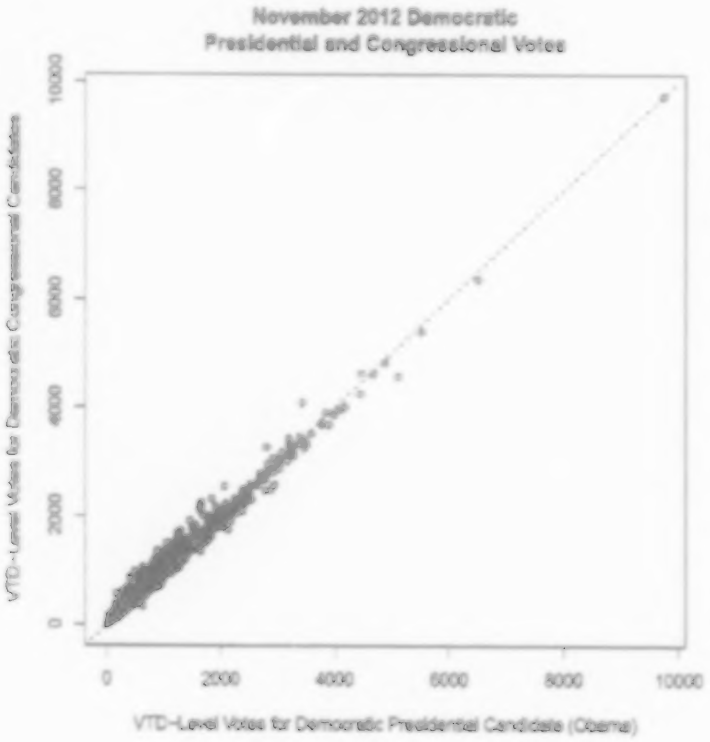
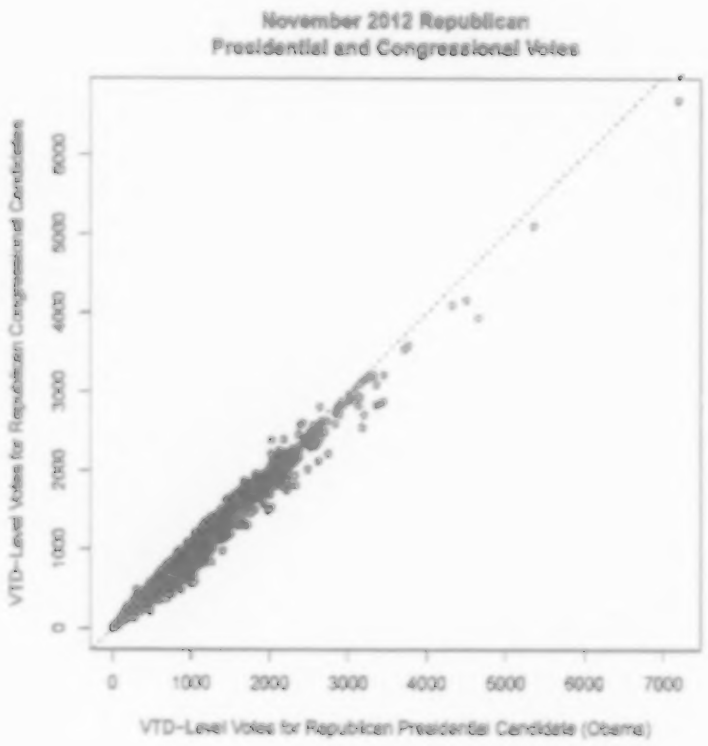
Figure 12:


November 2012 Democratic
Presidential and Congressional Votes
VTD-Level Votes for Democratic Congressional Candidates
0
2000
4000
6000
8000
10000
VTD-Level Votes for Democratic Presidential Candidate (Obama)


November 2012 Republican
Presidential and Congressional Votes
VTD-Level Votes for Republican Congressional Candidates
0
1000
2000
3000
4000
5000
6000
7000
VTD-Level Votes for Republican Presidential Candidate (Obama)

Excerpts from Assessing the Current North Carolina Congressional District Plan: Amended Report of Simon Jackman (Apr. 18, 2017) (League of Women Voters Plaintiffs' Exh. 4002)

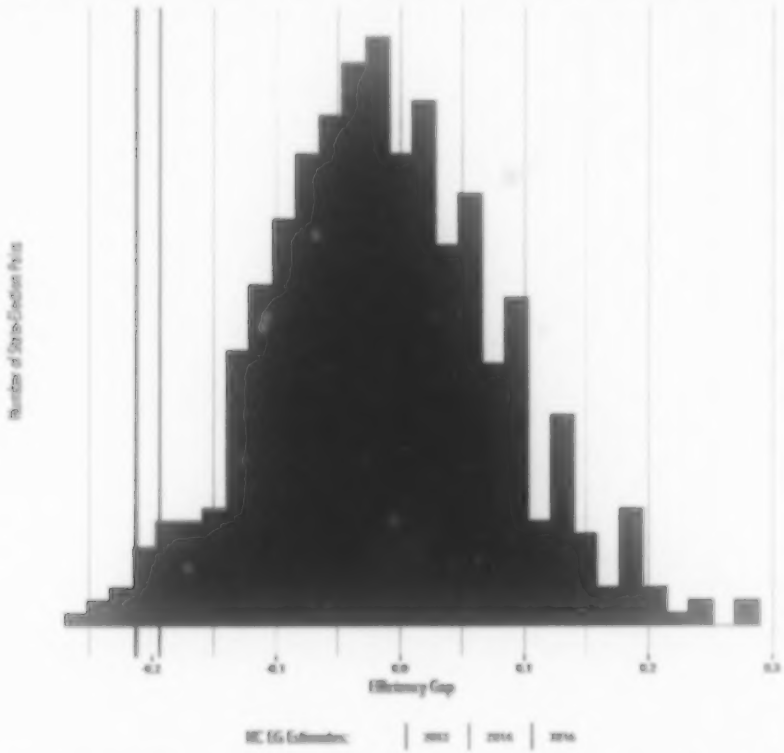


Figure 6: Histogram of efficiency gap estimates in 512 elections, 1972-2016. The three vertical lines indicate where North Carolina's three most recent elections lie in the distribution of efficiency gap scores.

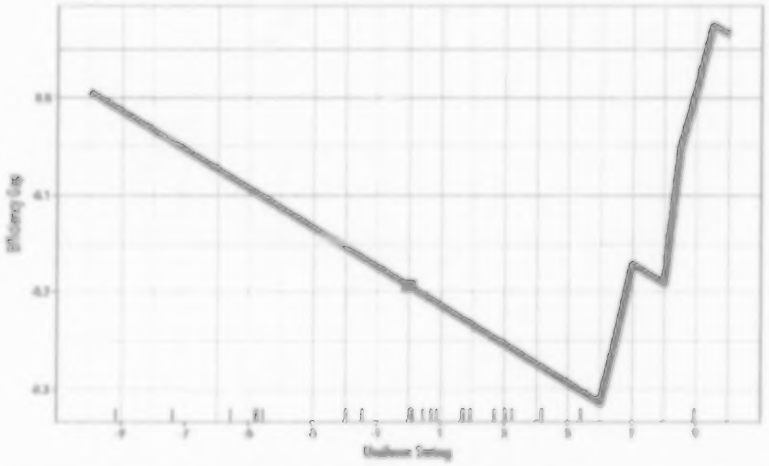


Figure 21: North Carolina efficiency gap scores generated by perturbing the actual 2016 result by varying degrees of uniform swing. The red square indicates the observed efficiency gap for North Carolina in 2016. Tick marks on the horizontal axis indicates swings in North Carolina Congressional elections 1972-2016.

Excerpts from Rebuttal Report of Simon Jackman (Apr. 17, 2017) (League of Women Voters Plaintiffs' Exh. 4003)

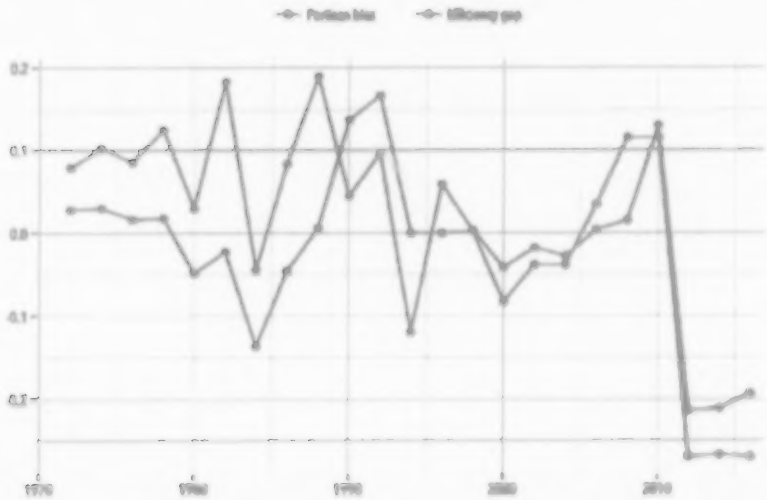


Figure 1: Efficiency gap and partisan bias from North Carolina Congressional elections, 1972-2016.

* * *

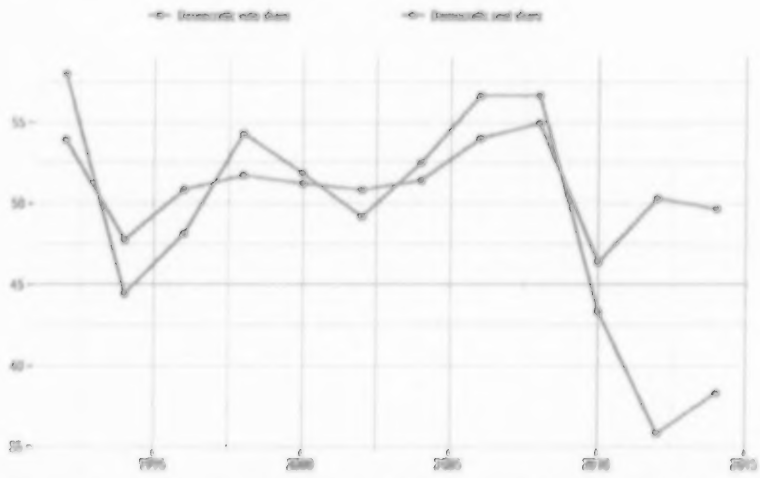


Figure 7: Democratic vote share and Democratic seat sharing in North Carolina General Assembly elections, 1992-2014.

Stipulation as to League of Women Voters of North Carolina Plaintiffs (Oct. 17, 2017) (League of Women Voters Plaintiffs' Exh. 4080)

Plaintiffs, League of Women Voters of North Carolina, et al., and defendants, Robert A. Rucho et al., by and through their respective undersigned counsel, hereby stipulate and state that plaintiff League of Women Voters of North Carolina has individual members who are registered Democrats living in each of North Carolina's thirteen congressional districts as established by SB2, the 2016 Contingent Congressional plan, enacted by the General Assembly. Each of those registered Democrats support and vote for Democratic candidates and have an interest in furthering policies at the national level that are consistent with the Democratic Party Platform.

Respectfully submitted this 17th day of October, 2017.

OGLETREE, DEAKINGS, NASH, SMOAK & STEWART, P.C.

/s/ Phillip J. Strach
Phillip J. Strach

* * *